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NOTES
ON
HISTORICAL EVIDENCE
IN REFERENCE TO
ADVERSE THEORIES
OF THE
ORIGIN AND NATURE
OF THE
GOVERNMENT OF THE UNITED STATES OF AMERICA.

BY
JOHN B. DILLON,
AUTHOR OF A HISTORY OF INDIANA.

"Contemporanea expositio est optima et fortissima in lege."—
A contemporaneous exposition is the best and strongest in law.
Wharton's Legal Maxims.

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PREFATORY NOTE.

MANY good reasons have induced me to believe that a fair consideration of the historical facts which have been compiled from various authentic sources, and embodied in the following Notes, will help, in no small degree—

First, To weaken the power of certain political errors, which, from the beginning of the Government of the United States to the present time, have constantly exercised a disturbing influence on the administration of the National Affairs. And,

Secondly, To promote the growth, and the perpetuity, of sound and harmonious opinions on important questions which relate to the Origin and Nature of the Government of the United States, to the Constitutional powers of Congress, and to the reserved Rights of the several States of the Union.

J. B. D.

NEW YORK, November, 1871.

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CHAPTER I.

I.

John Adams on Party Divisions.

IN a letter that was written more than fifty years ago, by John Adams, who was the second President of the United States of America, and one of the signers of the Declaration of American Independence, Mr. Adams said : “You say that our divisions began with Federalism and Anti-Federalism. Alas ! they began with human nature. They have existed in America from the first plantation. In every colony divisions always prevailed. In New York, Pennsylvania, Virginia, Massachusetts, and all the rest, a *court* and a *country* party have always contended. Whig and Tory disputed very sharply before the Revolution, and in every step during the Revolution. Every measure of Congress, from 1774 to 1788, inclusively, was disputed with acrimony.”—*Works of John Adams*, Vol. X, p. 23.

II.

John Adams on Lost History.

In a note dated “Quincy, Jan. 3, 1817,” and addressed to the editor of Niles’ Register, Mr. Adams said : “In plain English, and in a few words, Mr. Niles, I consider the true history of the American Revolution, and of the

establishment of our present constitutions, as lost forever. And nothing but misrepresentations, or partial accounts of it, ever will be recovered."—*Niles' Register*, Jan. 18, 1817.

III.

Disputes on Nature of Government.

It is a very remarkable example, either of the imperfection of human knowledge, or of the perversity of human nature, that, from the 4th of July, 1776, to the present time (1871), the people of the United States of America have not been able to settle, amicably and definitely, a great, vexatious, and dangerous political controversy in reference to the origin and nature of their own Government.

IV.

Theory of Sovereignty of the People.

The supporters of the theory of the *Sovereignty of the People of the Nation*, believe that the Declaration of the Independence of the United States of America was made "in the name and by the authority of the good people" of thirteen united British colonies; that it was an act of original inherent sovereignty, done by the people themselves in a state of revolution; that the Articles of Confederation, which went into force on the first of March, 1781, were not formed as treaties and alliances are formed between sovereign and independent States; that the powers and rights granted or reserved to the several States, emanated from the sovereign power of the nation; that the Constitution of the United States of America was ordained and established by the will of *the people of the United States*; and that its powers are granted

by them, "and are to be exercised directly on them, and for their benefit."—*Wheaton's Reports*, Vol. IV, p. 316.

This theory of the nature of the Government of the United States has been steadily maintained and carried into effect, notwithstanding the disturbing influence of an unceasing opposition on the part of able, numerous, and powerful adversaries, who have asserted—

V.

Of the Theory of State Sovereignty:—

That when the thirteen British colonies in America renounced their allegiance to the government of Great Britain, they became, severally, *sovereign and independent States*; that the Articles of Confederation were made, by these States, as treaties of alliance are made by sovereign and independent nations; that the Constitution of the United States was not ordained and established by the will of the people of the United States; that the Constitution is a compact between sovereign and independent States; that it contains grants, from sovereign and independent States, to the National Congress, of certain enumerated and restricted powers; and that Congress can only lawfully exercise powers which are specifically or expressly granted, or which may be necessary and proper to carry such powers into effect.

VI.

Views in Favor of State Sovereignty.

These views of the nature of the Government of the United States of America have been spread abroad among the people of the nation by the writings and the speeches of distinguished public men; by the acts of State Legislatures; by resolutions set forth in the

platforms of a powerful political party; by *obiter* opinions, or the sayings of Judges of the Supreme Court of the United States; by editors of newspapers, and by authors of literary publications which are, in many respects, accurate and valuable. For example—

VII.

Sovereignty “retained.”

The Articles of Confederation, which went into force on the first of March, 1781, declared that each State retained its “sovereignty, freedom, and independence, and every power, jurisdiction and right” which was not, by the Confederation, “expressly delegated to the United States in Congress assembled.”

VIII.

Congress of 1777.

“Let them” (the Articles of Confederation) “be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils, and all our strength, to maintain and defend our common liberties.”—*Circular Letter, agreed to in Congress, Nov. 17, 1777.*

IX.

Congress of 1779.

In Congress, June 28, 1779:—“The committee, consisting of Mr. McKean, Mr. Lovell, and Mr. Paca, to whom was referred the memorial of Messrs. John Cox and Charles Petit, Assistant Quartermaster-General, re-

port that they have come to the following resolution thereupon, viz. :—That Congress cannot, in any manner, control the Legislature of New Jersey in the internal police of said State. That it is not to be presumed that any citizen will be unjustly or oppressively taxed in any State, without remedy, by appeal or otherwise, within the same.

“Resolved, That Congress agree to said Report.”

X.

Views of Luther Martin.

The published opinions of Luther Martin, of Maryland, who was a member of the convention that formed the Constitution of the United States, contain the following passages: “When the States threw off their allegiance to Great Britain, they became independent of her and of each other.”—*Elliot's Debates*, Vol. I, p. 423. “The separation from Great Britain placed the thirteen States in a state of nature towards each other.”—*Madison Papers, Supplement to Elliot's Debates*, Vol. V, p. 213. “Every argument which shows one man ought not to have more votes than another, because he is wiser, stronger, or wealthier, proves that one State ought not to have more votes than another, because it is stronger, richer, or more populous.”—*Elliot's Debates*, Vol. I, p. 353. “Everything which relates to the formation, the dissolution, or the alteration of a federal government over States equally free, sovereign, and independent, is the peculiar province of the States in their sovereign or political capacity, in the same manner as what relates to forming alliances or treaties of peace, amity, or commerce; * * * the people at large, in their individual capacity, have no more right to interfere in the one case than in the other.”—*Elliot's Debates*, Vol. I, p. 387.

James Madison on Luther Martin.

* * * In a letter under the date of June 5, 1835, James Madison said: "The passions and prejudices of Mr. L. Martin, betrayed in his published letter, could not fail to discolor his representations. He also left the Convention before the completion of their work. I have heard, but will not vouch for the fact, that he became sensible of and admitted his error. Certain it is, that he joined the party who favored the Constitution in its most liberal construction."—*Writings of James Madison*, Vol. IV, p. 381.

XI.

Opinion of Justice Samuel Chase.

In 1796, Mr. Justice Samuel Chase, of the Supreme Court of the United States, in referring to the Declaration of American Independence, said: "I consider this as a declaration, not that the united colonies *jointly*, in a *collective* capacity, were independent States, &c., but that *each* of them had a right to govern itself by its own authority, and its own laws, without any control from any other power upon earth."—*Dallas' Reports*, Vol. III, p. 224. Mr. Chase was one of the signers of the Declaration of Independence.

XII.

Virginia Resolutions of 1798.

The Virginia Resolutions of 1798, adopted by the House of Delegates, December 21, and by the Senate, December 24, declare, "explicitly and peremptorily," that the General Assembly of Virginia "views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact,

as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them."

XIII.

Virginia House of Delegates, 1799—1800.

Extract from a report of a Committee of the Virginia House of Delegates, at the session of 1799—1800: "The States, then, being the parties to the Constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."—*Madison's Works*, Vol. IV, p. 517.

XIV.

Kentucky Resolutions, 1799.

The Kentucky Resolutions, of 1799, declare that the several States "by compact, under the style and title of a Constitution for the United States, and of amendments thereto," "constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are un-

authoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; its co-States forming, as to itself, the other party;" and "that, as in all other cases of compact among parties having no common judge, each party has a right to judge for itself, as well of infractions as of the mode and measure of redress."

XV.

Tucker's Blackstone.

The Appendix to the first volume of Tucker's* Blackstone, published in Philadelphia in 1803, contains the following passages: "Whatever political relation existed between the American colonies antecedent to the Revolution, as constituent parts of the British empire, or as dependencies upon it, that relation was completely dissolved and annihilated from that period. From the moment of the Revolution they became severally independent and sovereign States, possessing all the rights, jurisdictions, and authority that other sovereign States, however constituted, or by whatever title denominated, possess; and bound by no ties but of their own creation, except such as all other civilized nations are equally bound by, and which together constitute the customary law of nations."—*Appendix*, p. 150. "The right of sovereignty, therefore, in all cases not expressly ceded to the United States by the Constitution, or prohibited by it to the several States, remains inviolably with the States respectively."—*Appendix*, p. 176. The Federal Government, then, appears to be the organ through which the United Republics communicate

* St. George Tucker was Professor of Law in the University of William and Mary, in Virginia, and one of the Judges of the General Court of that State.

with foreign nations, and with each other. Their submission to its operation is voluntary: its councils, its engagements, its authority are theirs, modified and united. Its sovereignty is an emanation from theirs, not a flame by which they have been consumed, nor a vortex in which they are swallowed up. Each is still a perfect State, still sovereign, still independent, and still capable, should the occasion require, to resume the exercise of its functions, as such, in the most unlimited extent.”—*Appendix*, p. 187.

XVI.

John Taylor, of Virginia.

A work that was written by John Taylor, of Virginia, and published in 1820, contains the following passages: “The State sovereignties made, may revoke, or can alter the Constitution itself; and therefore the supremacy bestowed upon the Constitution, being some power subservient to the State sovereignties, demonstrates that the word ‘supreme’ was used in a sense subordinate to these sovereignties; and being used in that sense, it is impossible that the people intended it as a revocation of those powers, or of any of their appurtenances, or of the spherical sovereignties, previously bestowed, never recalled, and specially reserved to the State governments by the sovereignties, to whom the whole Constitution and all its words are subordinate.” * * * “Previously to the Union, the States were in the enjoyment of sovereignty or supremacy. Not having relinquished it by the Union, in fact having then exercised it, there was no occasion, in declaring the supremacy of the Constitution and laws made in pursuance thereof, to notice that portion of State supremacy, originally attached to, not severed from, and of course remaining with the

powers not delegated to the Federal Government; whilst it was necessary to recognize that other portion of supremacy attached to the special powers transferred from the States to the Federal Government." * * * "The States by common consent may dissolve or modify the Union, over which, by the natural right of self-government, which they have never relinquished, they retain a complete supremacy."—*Construction Construed*, pp. 122, 127, 142.

XVII.

Views of Robert Y. Hayne, of South Carolina.

On the 27th of January, 1830, in the Senate of the United States, Robert Y. Hayne, a distinguished Senator from South Carolina, delivered a speech in which the following passages appear:

"Nothing can be clearer than that, under such a system, the Federal Government, exercising strictly delegated powers, can have no right to act beyond the pale of its authority, and that all such acts are void. A State, on the contrary, retaining all powers not expressly given away, may lawfully act in all cases where she has not voluntarily imposed restrictions on herself." * * *

"All sovereigns are of necessity equal; and any one State, however small in population or territory, has the same rights as the rest, just as the most insignificant nation in Europe is as much sovereign as France, or Russia, or England." * * *

"It is clear that questions of sovereignty are not the proper subjects of judicial investigation. They are much too large, and of too delicate a nature, to be brought within the jurisdiction of a court of justice. Courts, whether supreme or subordinate, are the mere creatures of the sovereign power, designed to expound and carry into effect its sovereign will. No independent State ever

yet submitted to a judge on the bench the true construction of the compact between himself (?) and another sovereign.” * * *

“I think I have now shown that the right of a State to judge of infractions of the Constitution, on the part of the Federal Government, results from the very nature of the compact; and that, neither by the express provisions of that instrument, nor by any fair implication, is such a power exclusively reserved to the Federal Government, or any of its departments—executive, legislative, or judicial.” * * *

“No doubt can exist, that, before the States entered into the compact, they possessed the right, to the fullest extent, of determining the limits of their own powers—it is incident to all sovereignty. Now, have they given away that right, or agreed to limit or restrict it in any respect? Assuredly not. They have agreed that certain specific powers shall be exercised by the Federal Government, but the moment that Government steps beyond the limits of its charter, the right of the States ‘to interpose for arresting the progress of the evil, and maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them,’ is as full and complete as it was before the Constitution was formed. It was plenary then, and never having been surrendered, must be plenary now. But what then? asks the gentleman. A State is brought into collision with the United States in relation to the exercise of unconstitutional power: who is to decide between them? Sir, it is the common case of difference of opinion between sovereigns as to the true construction of a compact. Does such a difference of opinion necessarily produce war? No. And if not among rival nations, why should it do so among friendly States?” * * *—*Gales and Seaton’s Register of Debates in Congress.*

XVIII.

Views of John C. Calhoun.

In an "Address on the relation which the States and General Government bear to each other," John C. Calhoun, of South Carolina, said: "The great and leading principle is, that the General Government emanated from the people of the several States, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all the people forming our aggregate political community; that the Constitution of the United States is, in fact, a compact to which each State is a party, in the character already described; and that the several States, or parties, have a right to judge of its infractions; and in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia Resolutions, '*to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.*' This right of interposition, solemnly asserted by the State of Virginia, be it called what it may—State right, veto, nullification, or by any other name—I conceive to be the fundamental principle of our system, resting on facts historically as certain as our Revolution itself, and deductions as simple and demonstrative as that of any political or moral truth whatever; and I firmly believe that on its recognition depend the stability and safety of our political institutions." * * * "That different opinions are entertained on this subject, I consider but as an additional evidence of the great diversity of the human intellect." * * * "The error may possibly be with me, but if so, I can only say that, after the most mature and conscientious examination, I have not been able to detect it."—*Calhoun's Works*, Vol. VI, pp. 60-62.

XIX.

John C. Calhoun.

“The General Government is one of specific powers ; and it can rightfully exercise only the powers expressly granted, and those that may be necessary and proper to carry them into effect.”—*Calhoun's Works*, Vol. VI, p. 2.

XX.

Nullification Convention of 1832.

The Report of a Committee of twenty-one members, appointed by the Nullification Convention of South Carolina in 1832, contains the following passage : “Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other, as the most powerful nations of the world.—*President Jackson's Message and accompanying documents*, transmitted to Congress, January 16, 1833.

XXI.

Nashville Convention, 1850.

A Convention, in which the States of Alabama, Florida, Georgia, Mississippi, South Carolina, Virginia, and Tennessee were represented, re-assembled at Nashville, Tennessee, in November, 1850, and adopted a Preamble and Resolutions, in which it is asserted that, when the Constitution of the United States was adopted, “the States of this Confederacy acceded to that compact, each State for itself, and ratified it as States ;” and that “if the non-slaveholding States, who are parties to that compact, disregard its provisions and endanger our peace and existence by united and deliberate action, we have a right,

as States, there being no common arbiter, to secede.”—*Cluskey's Political Text-Book*, p. 534.

XXII.

National Democratic Convention, 1856.

The National Democratic Convention of 1856 resolved :
 “That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798, and in the Report of Mr. Madison to the Virginia Legislature in 1799 ; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.”—*Cluskey's Political Text-Book*, p. 127.

XXIII.

National Whig Convention, 1856.

The National Whig Convention of 1856 resolved :
 “That the Government of the United States was formed by the conjunction in political unity of wide-spread geographical sections, materially differing, not only in climate and products, but in social and domestic institutions.” * * *

XXIV.

Daniel Webster.

Daniel Webster said : “The Confederation was, in strictness, a compact ; the States, as States, were parties to it.”—*Webster's Works*, Vol. III, p. 346. “The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law” (the Constitution of the United States).—*Webster's Works*, Vol. III, p. 321.

XXV.

William H. Seward.

William H. Seward said: "The public lands were ceded by the several States and acquired by the United States of America before the Federal Constitution was adopted, and at a time when the United States of America was that mere confederacy of independent sovereign States that South Carolina, in 1832, insisted that it continued to be, notwithstanding the adoption of the Federal Constitution.—*Seward's Works*, Vol. II, p. 415.

XXVI.

Views of Chief Justice Taney.

In delivering the opinion of the Supreme Court of the United States, in the case of *Dred Scott versus John F. A. Sandford*, Mr. Chief Justice Taney said: "We must recur to the governments and institutions of the thirteen Colonies, when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations." * * * "What was" [in 1784] "called the United States, were thirteen separate, sovereign, independent States, which had entered into a league or confederation for their mutual protection and advantage, and the Congress of the United States was composed of the representatives of these separate sovereignties." * * * "It was little more than a Congress of ambassadors, authorized to represent separate nations, in matters in which they had a common concern." * * * "It must be borne in mind that the same States that formed the Confederation also formed and adopted the new Government, to which so large a portion of their former sovereign powers were surrendered." * * * "The principle upon which our governments rest, and

upon which alone they continue to exist, is the union of States, sovereign and independent within their own limits in their internal and domestic concerns, and bound together as one people by a General Government, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it, throughout the dominion of the United States.”—*Howard's Reports*, Vol. XIX, pp. 407, 434, 438, 447, 448.

XXVII.

Mr. Justice Catron.

Mr. Justice Catron, of the Supreme Court of the United States, said : “Before the new Constitution was adopted, she” (Virginia) “had as much right to treat and agree as any European government had.”—*Howard's Reports*, Vol. XIX, p. 523.

XXVIII.

James Buchanan.

James Buchanan, when he was President of the United States, said : “The Federal Constitution is a grant from the States to Congress of certain specific powers.”—*Inaugural Address*.

XXIX.

Jefferson Davis.

In a speech delivered in the Senate of the United States, on the 13th of August, 1850, Jefferson Davis said : “This, sir, is a Union of sovereign States, under a compact which delegated certain powers to the General Government and reserved all else to the States respectively, or to the people.”

XXX.

Sharswood's Blackstone.

Professor Sharswood's Blackstone (Vol. I, p. 48, note), says: "The Declaration of Independence was the joint and several act of the Colonies, and its effect was to constitute each separate colony a free and independent State."

XXXI.

American Cyclopædia.

The New American Cyclopædia (Vol. XV, p. 735), says: "The several States of the Union, as far as their internal affairs are concerned, are sovereign and independent; while for the common interest of all they delegate a portion of their powers to a central government, whose edicts and laws, so long as they are not in conflict with the Constitution, are paramount to State authority. All powers not expressly granted by the Constitution to the Federal Government, nor prohibited by it to the States, are reserved to the States respectively or to the people."

XXXII.

Geographical Dictionary.

A Complete Pronouncing Gazetteer, or Geographical Dictionary of the World (1866, p. 1997), says: "The Government of the United States is a confederation of various States, delegating a portion of their power to a central government, whose edicts and laws, so far as granted constitutionally, are always paramount to State authority; but all powers not expressly conceded by that Constitution are tacitly reserved to the States."

XXXIII.

Mr. Justice Clifford.

Mr. Justice Clifford, of the Supreme Court of the United States, says: "Counties and other municipal corporations were created by the States; but the States were not created by the United States, as the States existed as independent sovereignties before even the Union was formed."—*Printed Copy of Judge Clifford's Opinion*, among the papers in the office of the Clerk of the Circuit Court, of the United States Boston.

XXXIV.

Chief Justice Chase.

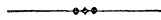
Mr. Chief Justice Chase, of the Supreme Court of the United States, says: "Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right, not expressly delegated to the United States."—*Wallace's Reports*, Vol. VII, p. 725.

XXXV.

Edward Everett.

Edward Everett said: "The framers of the Constitution devised a scheme of confederate and representative sovereign Republics, united in a happy distribution of powers, which, reserving to the separate States all the political functions essential to local administration and private justice, bestowed upon the General Government those, and those only, required for the service of the whole."—*Everett's Orations and Speeches*, Vol. I, p. 167.

CHAPTER II.



I.

Influence of Authorities.

By the instruction of the numerous and influential authorities which are cited in the preceding chapter, and by the writings and the speeches of a great number of politicians (who, if they are less distinguished than these authorities, have been very earnestly engaged in the work of disseminating their views), a large part of the population of the United States have been induced to believe that the Declaration of American Independence made *thirteen separate, sovereign, and independent States*—that these thirteen separate, sovereign, and independent States formed for themselves Articles of Confederation, as treaties of alliance, commerce, &c. are formed between sovereign and independent nations—that the Constitution of the United States was not ordained and established by the will of “the people of the United States,” but that it was established as a compact between sovereign and independent States—and that the Congress of the United States can lawfully exercise only such powers as are *expressly* granted by the Constitution, or those which may be necessary and proper to carry such powers into effect.

II.

Contradictory Theories.

The two contradictory theories relating to the origin and nature of the Government of the United States of America, ought to be treated as questions which can be rightfully decided only in the light of evidence arising from history, from the principles of international law, and from the legislation and general jurisprudence of the nation.

III.

Evidence.

The acts, opinions, and intentions of the statesmen who proclaimed the Declaration of American Independence, and adopted the Articles of Confederation, and the acts, opinions, and intentions of the statesmen who framed the Constitution of the United States, ought to be admitted as evidence of the highest authority on the subjects to which they are relative; and as conclusive evidence on certain questions concerning the true principles on which the Government of the United States of America is founded.

IV.

Contemporaneous Construction.

Presumptive evidence of the state of public opinion in the United States, in reference to the nature of the Government during the time that elapsed between the years 1776 and 1788, may be based upon the statements of eminent men of that period. "Great regard," says Lord Coke, "ought, in construing a statute, to be paid to the construction which the sages of the law who lived about the time or soon after it was made, put upon it; because

they were best able to judge of the intention of the makers at the time when the law was made." The same principle has been applied in the United States, to a certain extent, in the construction of constitutions."—*Sedgwick's Treatise*, p. 251.

V.

Rules of Construction.

The unreasonable and profitless controversies which are still maintained, relative to the true meaning of certain words, or phrases, which appear in the Declaration of Independence, in the Articles of Confederation, and in the Constitution of the United States, ought to be definitively settled in conformity with the most reasonable and equitable rules which have been established among enlightened nations, for the interpretation of contracts, laws, and constitutions. According to these rules, it is necessary—

1st.—To make, in all the particular cases which present themselves, a just application of what has been decreed in a general manner.

2d.—As soon as we meet with any obscurity in a document, we should seek for what was probably in the thoughts of those who drew it up; and we ought to interpret it accordingly.

3d.—Every interpretation that leads to an absurdity ought to be rejected.

4th.—Words ought to be construed according to the intent of those who use them, and not otherwise.

5th.—Ambiguous words, or words having a double sense, are to be construed so as to make them stand with law and equity.

6th.—Words which are in themselves uncertain, may be made certain by subsequent words.

7th.—In every agreement the intent is the chief thing to be considered.

8th.—In an Act of Parliament the *intention* appearing in the *Preamble* shall control the letter of the law.

9th.—When a word, or a sentence, is capable of several significations, conjectures are necessary to find out the true one.

10th.—Obscure expressions must not have meanings put upon them, contrary to express declarations.

11th.—“Where the language of a document, of whatever description, is doubtful, its meaning is best understood by reference to, and consideration of, the circumstances attending its original formation.”—*Wharton's Legal Maxims*, p. 41.

12th.—When the subject relates to things favorable, we ought to give the terms all the extent they are capable of in common use ; and, if a term has many significations, the most extensive ought to be preferred.—*Vide Grotius on the Rights of War and Peace*, B. II, ch. xvi ; *Pufendorf on the Law of Nature and Nations*, B. V, ch. xii ; *Vattel's Law of Nations*, B. II, ch. xvii ; *Rutherford's Institutes of Natural Law*, B. II, ch. vii ; *Sedgwick's Treatise*, p. 231 ; *Jac. Law Dic.*, “Intention” ; *Ayliffe's Civil Law*, B. I, tit. x.

CHAPTER III.

I.

Definitions.

It seems that the principal difficulties which prevent a satisfactory settlement of popular disputes on the origin and nature of the Government of the United States, grow out of controversies concerning the true meanings of certain words and phrases which appear either in the Declaration of American Independence, in the Articles of Confederation, or in the acts and proceedings of the Convention that framed the National Constitution. These difficulties would, perhaps, disappear if the disputants would wisely agree to accept, from the highest authorities, definitions of the real meanings of such words and phrases as "*Sovereignty*," "*State*," "*Nation*," "*Sovereign and Independent State*," and "*We, the People of the United States*."

II.

Grotius on Sovereignty.

Sovereign power, according to Grotius, "is perfectly or completely independent of other human power, inso-much that its acts cannot be annulled by any human will

other than its own.”—*Austin's Province of Jurisprudence Determined*, Vol. I, p. 189.

III.

Blackstone on Sovereignty.

However governments began, “or by what right soever they subsist, there is and must be in all of them, a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty, reside.”—*Blackstone's Com.* (Sharswood's ed.), Vol. I, p. 48.

IV.

Bouvier on Sovereignty.

Sovereignty is “the union and exercise of all human power possessed in a State; it is a combination of all power; it is the power to do every thing in a State without accountability; to make laws, to execute and apply them; to impose and collect taxes, and to levy contributions; to make war or peace; to form treaties of alliance or of commerce with foreign nations, and the like.”—*Bouvier's Law Dic.*, Vol. II, p. 537.

V.

Political Sovereignty.

No form of human government can exist without the controlling presence of that political power which is called Sovereignty. Where sovereignty does not exist in one person, nor in a few persons, nor in the mass of the people, there is no government. There may be, in such a case, popular excitement, contention, anarchy, and warfare; but there cannot be any form of government. The

sovereign power of an independent State, or nation, is vested with an exclusive right to make, execute, and change laws, and to regulate persons and things, within its own territory, according to its own will.

VI.

Story on Sovereignty.

Mr. Justice Story, in his *Commentaries on the Constitution of the United States*, says: "The term 'sovereign' or 'sovereignty' is used in different senses, which often leads to a confusion of ideas, and sometimes to very mischievous and unfounded conclusions. By 'sovereignty' in its largest sense is meant supreme, absolute, uncontrollable power, the *jus summi imperii*, the absolute right to govern."—B. II, p. 207. * * * "Strictly speaking, in our republican forms of government, the absolute sovereignty of the nation is in the people of the nation; and the residuary sovereignty of each State, not granted to any of its public functionaries, is in the people of the State."—B. II, p. 209.

VII.

Views of Mr. Justice Blair.

In 1795, Justice Blair, of the Supreme Court of the United States, said: "It is true, *that* instrument" (the Articles of Confederation) "is worded in a manner, on which some stress is laid, that the several States should *retain* their sovereignties, and all powers not thereby expressly delegated to Congress, as if they were, till the ratification of that compact, in possession of all the powers thereby delegated; but it seems to me that it would be going too far, from a single expression, used perhaps in a loose sense, to draw an inference so contrary

to a known fact, to wit, that Congress was, with the approbation of the States, in possession of some of the powers therein mentioned, which, yet, if the word 'retain' be taken in so strict a sense, it must be supposed they never had."—*Dallas' Reports*, Vol. III, p. 112.

VIII.

Nathan Dane on Sovereignty.

Nathan Dane, who was a member of Congress in 1787, in referring to the use of the word "sovereignty" in the Articles of Confederation, says: "The word 'sovereignty,' in this case, is evidently used in a subordinate sense. Though the words *sovereign* and *sovereignty* are certainly too convenient, in speaking and writing, to be disused, yet it is clear that, in the strict and accurate use of words, they cannot be properly used as a part of our *constitutional* language in a *constitutional* sense; and this distinction is generally to be regarded."—*Dane's Ab. Am. Law*, Vol. IX, Appendix.

IX.

Austin on Sovereignty.

Mr. Austin, in the *Province of Jurisprudence Determined*, Vol. I, p. 178, says: "The definition of the abstract term *independent political society*, (including the definition of the correlative term *sovereignty*,) cannot be rendered in expressions of perfectly precise import, and is therefore a fallible test of specific or particular cases. The least imperfect definition which the abstract term will take, would hardly enable us to fix the class of every possible society." * * * "It would hardly enable us to determine of every *political* society, whether it were *independent* or subordinate."

X.

M. D'Alembert.

M. D'Alembert, in an *Analysis of Montesquieu's Spirit of Laws*, says: "We may distinguish three sorts of governments—the republican, the monarchic, the despotic. In the republican, the people in a body possess the sovereign power."

XI.

Views of James Madison on Sovereignty.

In 1835, James Madison said: "It is so difficult to argue intelligibly concerning the compound system of government in the United States, without admitting the divisibility of sovereignty, that the idea of sovereignty, as divided between the Union and the members composing the Union, forces itself into the view, and even into the language, of those most strenuously contending for the unity and indivisibility of the *moral being* created by the social compact."—*Selections from the Private Correspondence of James Madison*, p. 374. In the same volume, pp. 412–413, Mr. Madison says: "Those who deny the possibility of a divided political system, with a divided sovereignty like that of the United States, must choose between a government purely consolidated and an association of governments purely federal."

XII.

Opinion of Lewis Cass.

In a speech delivered in the Senate of the United States on the 22d of January, 1850, Lewis Cass said: "In the people of the United States resides the sove-

reignty of this country, and no department of their government can claim that high prerogative, nor assume any functions arising out of it not to be found in that great act of the people which brought them into political existence.”

CHAPTER IV.



I.

Of Nations and States.

ACCORDING to the definition of Noah Webster, a Nation is “a body of people inhabiting the same country, or united under the same sovereign or government, as the English nation, the French nation. * * * *Nation*, as its etymology imports, originally denoted a family or race of men descended from a common progenitor, like *tribe*; but, by emigration, conquest, and intermixture of men of different families, this distinction is, in most countries, lost.”

II.

Encyclopædia Britannica.

The word *Nation* is “a collective term used for a considerable number of people inhabiting a certain extent of land, confined within fixed limits, and under the same government.”—*Ency. Brit.*, Vol. XV, p. 737.

III.

Phillimore.

Phillimore defines a *State* as “a people permanently occupying a fixed territory, bound together by common

laws, habits, and customs, into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace, and of entering into international relations with other communities.”—*New Amer. Cyclopædia*, Vol. X, p. 360.

IV.

Judge Story.

Judge Story says: “Whatever may be the internal organization of the government of any *State*, if it has the sole power of governing itself, and is not dependent on any foreign State, it is called a *sovereign State*: that is, it is a State having the same rights, privileges, and powers as other independent States.

V.

Wheaton's Elementary International Law.

“Every independent State is entitled to the exclusive power of legislation in respect to the personal rights, and civil state and condition of its citizens, and in respect to all real and personal property situated within its territory, whether belonging to citizens or aliens.”—*Wheaton's El. Int. Law*, p. 112. “Every nation possesses and exercises exclusive sovereignty and jurisdiction throughout the full extent of its territory.”—*Id.* p. 113.

VI.

James Madison.

James Madison said: “It is indeed true that the term ‘*States*’ is sometimes used in a vague sense, and

sometimes in different senses, according to the subject to which it is applied. Thus it sometimes means the separate sections of territory occupied by the political societies within each ; sometimes the political *governments* established by these societies ; sometimes those societies, as organized into those particular governments ; and, lastly, it means *the people* composing those political societies, in their highest sovereign capacity.”—*Report in the Virginia Legislature*, in January, 1800, cited in *Elliot's Debates*, Vol. I, p. 65.

VII.

New American Cyclopædia.

The New American Cyclopædia (Vol. X, p. 360), says : “The sovereignty of a State depends upon its existence *de facto* as a State ; and until this is recognized by other nations, the State enjoys no share in international rights.”

VIII.

Montesquieu.

Montesquieu says : “Every nation that governs itself, under what form soever, without dependence on any foreign power, is a sovereign State.”

Crabb.

“A petty principality in Germany, and the whole German (or Russian) Empire are alike termed *States*.”—*Crabb's Eng. Syn.*, p. 190.

IX.

The Declaration of American Independence mentions the “*State*” of Great Britain.

X.

The State of San Marino, which is known as a Republic, is one of the States of the Kingdom of Italy, which is a Nation and a sovereign independent State ; but San Marino is not a Nation ; nor was it, at any period of its existence, a sovereign and independent State.

XI.

The State of Tobasco is one of the States of the Republic of Mexico, which is a sovereign and independent State ; but Tobasco is not, nor was it at any time, a sovereign and independent State.

XII.

Mr. Austin.

In a work entitled “*The Province of Jurisprudence Determined*,” the author, John Austin, says : “A system of confederated States, and a number of independent governments connected by an ordinary alliance, cannot be distinguished precisely through general or abstract expressions.”—Vol. 1, p. 224.

XIII.

Mr. Pendleton, of Virginia.

When the adoption of the Constitution of the United States of America was under consideration, in the Vir-

ginia Convention, on the 5th of June, 1788, Mr. Pendleton, one of the members of the Convention, said: "The expression, '*We, the People,*' is thought improper. Permit me to ask the gentleman who made this objection, Who but the People can delegate powers? Who but the People have a right to form government? The expression is a common one, and a favorite one with me. * * * If the objection be that the Union ought to be not of *the people*, but of the *State governments*, then I think the choice of the former very happy and proper. What have the *State governments* to do with it?"—*Elliot's Debates*, Vol. III, p. 37.

XIV.

Mr. Corbin, of Virginia.

Mr. Corbin, in the Virginia Convention, on the seventh of June, 1788, said: "The introductory expression of '*We, the People,*' has been thought improper by the honorable gentleman. I expected no such objection as this. Ought not the People, sir, to judge of that government whereby they are to be ruled? We are, sir, deliberating on a question of great consequence to the people of America, and to the world in general."—*Debates in the Convention of Virginia*, 1788, p. 83.

XV.

Mr. Wilson, of Pennsylvania.

In 1788, when the adoption of the Constitution of the United States was under consideration in the Pennsylvania Convention, Mr. Wilson, a member of that body, said: "I had occasion to describe what I meant by a Democracy, and I think I termed it, that government in which the People retain the supreme power, and exercise

it either collectively or by representation. This Constitution declares this principle in its terms and in its consequences, which is evident from the manner in which it is announced, 'We, the People of the United States.' After all the examination which I am able to give the subject, I view this as the only sufficient and most honorable basis, both for the People and the Government, on which our Constitution can possibly rest. What are all the contrivances of States, Kingdoms, and Empires? What are they all intended for? They are all intended for man. * * * I am astonished to hear the ill-founded doctrine that States alone ought to be represented in the Federal Government: these must possess sovereign authority, forsooth, and the people be forgot. No. Let us re-ascend to first principles."—*Elliot's Debates*, Vol. II, p. 478.

XVI.

James Madison.

James Madison, of Virginia, said: "The question whether 'We, the People,' means the people in their aggregate capacity, acting by a numerical majority of the whole, or by a majority in each of all the States, the authority being equally valid and binding, the question is interesting but as an historical fact of speculative curiosity."—*Writings of James Madison*, Vol. IV, p. 423.

XVII.

Mr. Nicholas, of Virginia.

In the Virginia Convention, June 6, 1788, Mr. Nicholas said: "The Confederation being found utterly defective, will he deny our right to alter or abolish it? But he objects to the expression, 'We, the People,' and

demands the reason why they had not said ‘We, the United States of America?’ In my opinion the expression is highly proper—it is submitted to the people, because on them it is to operate—till adopted, it is but a dead letter, and not binding on any one—when adopted, it becomes binding on the people who adopt it. It is proper on another account. We are under great obligations to the Federal Convention for recurring to the people, the source of all power.”—*Debates of the Convention of Virginia*, 1788, p. 79.

XVIII.

Mr. Bayard.

Bayard's Brief Exposition of the Constitution of the United States (p. 42), says: “The origin of the General Government, the source of all its power, was a matter too important to be left in doubt, and it is therefore declared to be ordained and established by ‘the People of the United States.’”

CHAPTER V.

I.

Virginia House of Burgesses in 1774.

In 1774, when the people of the colony of Massachusetts were protesting against the arbitrary colonial policy of the British Government, the Virginia House of Burgesses passed some resolutions in which they implored the Divine power "to give them one heart and one mind, firmly to oppose, by all just and proper means, every injury to American rights." On the publication of these resolutions, the royal governor of Virginia, John Murray, Earl of Dunmore, dissolved the House of Burgesses; but before the separation of the members, eighty-nine of them formed an Association, and signed an agreement, in which they declared "that an attack made on one of our sister colonies" (alluding to Massachusetts) "to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied."—*Jefferson's Comp. Works*, Vol. I, pp. 7-123.

II.

General Congress Proposed by Virginia.

The Association, thus formed in Virginia, instructed its Committee of Correspondence to propose to the Corres-

pendence Committees of the other British Colonies in America, to appoint deputies to meet annually in a general Congress, in such place as should be convenient, to direct, from time to time, the measures required by the general interest.—*Jefferson's Comp. Works*, Vol. I, p. 123.

III.

Massachusetts.

The proposal to organize a general Congress having been made, about the same time, by the Massachusetts House of Representatives, was favored by nearly all of the colonial committees; and it was agreed that the first Congress should meet at the city of Philadelphia, on the fifth day of September, 1774.—*Holmes' Annals*, Vol. II, p. 187.

IV.

Meeting of Continental Congress.

On that day the Continental Congress met at Carpenters' Hall, in Philadelphia, to deliberate upon the "state of British America," and to take measures "to effect the purpose of describing with certainty the rights of Americans, repairing the breach made in those rights, and guarding for the future from any such violations done under the sanction of public authority."—*Newburn, N. C., Resolutions.—Journals of Congress*, September 14, 1774.

V.

Object of the Revolutionary Movement in 1774.

The object of the revolutionary movement in 1774 was, according to the declarations of Congress, designed, by

“the united efforts of North America,” to adopt measures “for the preservation of the liberties of America.”—*Jours. of Cong.*

VI.

Congress in 1774.

On the 6th of September, 1774, Congress resolved “That, in determining questions in this Congress, each Colony or Province shall have one vote—The Congress not being possessed of, or at present able to procure, proper materials for ascertaining the importance of each Colony.”—*Jours. of Cong.*

VII.

Association formed in 1774.

In Congress, October 20, 1774, an “Association” was formed and signed by fifty-three Delegates “of the several colonies of New Hampshire, Massachusetts-Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New-Castle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina and South Carolina, deputed to represent them in a Continental Congress.” The object of the “Association” was to obtain redress of grievances which threatened “destruction to the lives, liberty, and property of his [Britannic] majesty’s subjects in North America.”—*Journals of Congress.*

VIII.

Resolution adopted by Officers of Dunmore’s Expedition in 1774.

On the 5th of November, 1774, the officers of an expedition that marched, under the command of Governor Dunmore, of Virginia, against the Indian tribes of the

northwest, held a public meeting, at the mouth of the Hockhocking river, on the northwestern side of the River Ohio, and passed resolutions, from which the following is an extract:—"As the love of liberty, and attachments to the real interests and just rights of America, outweigh every other consideration, we resolve that we will exert every power within us for the defense of American liberty, and for the supporting of her just rights and privileges; not in any precipitate, riotous, and tumultuous manner, but when regularly called forth by the unanimous voice of our countrymen."—*Amer. Archives*, 4th Series, Vol. I, p. 962.

IX.

Resolution of Inhabitants of Westmoreland Co., Pennsylvania, in 1775.

At a general meeting of the inhabitants of the county of Westmoreland, Pennsylvania, held at Hanna's Town, on the 16th of May, 1775, an Association was formed, by which, among other resolves, the inhabitants declared as follows: "We will coincide in any plan that may be formed for the defense of America in general, or Pennsylvania in particular."—*Amer. Archives*, Vol. II, p. 616.

X.

Mecklenburgh, N. C., Declaration of Independence, in 1775.

On the 20th of May, 1775, at a large meeting of citizens of Mecklenburgh County, North Carolina, several resolutions were adopted, among which the most memorable are—

1st.—"Resolved, That we, the citizens of Mecklenburgh County, do hereby dissolve the political bands which have connected us to the Mother Country, and

hereby absolve ourselves from all allegiance to the British crown, and abjure all political connection, contract, or association with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of American patriots at Lexington."

2d.—"Resolved, That we do hereby declare ourselves a free and independent people ; are, and of right ought to be, a sovereign and self-governing Association, under the control of no other power than that of God, and the general government of the Congress ; to the maintenance of which independence we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor."—*Amer. Archives*, Vol. II, p. 857.—4th Series.

XI.

George Washington.

On the 17th of June, 1775, George Washington was appointed, by Congress, "General and Commander-in-Chief of the Army of the United Colonies," and of all forces raised "for the defense of American liberty."—*Journals of Congress*.

XII.

Congress of 1775.

On the 24th of June, 1775, Congress "resolved that a committee of seven be appointed to devise ways and means to put the Militia of America in a proper state for the defense of America."—*Journals of Congress*.

XIII.

Congress of 1775.

On the 6th of July, 1775, the Congress of "the United Colonies of America" published a declaration, in which

they said: "Our cause is just. Our union is perfect. Our internal resources are great; and, if necessary, foreign assistance is undoubtedly attainable." * * * "We exhibit to mankind the remarkable example of a people attacked by unprovoked enemies."—*Journals of Congress.*

XIV.

Address to the People of Ireland in 1775.

In an Address to the people of Ireland, which was prepared and adopted by the Continental Congress on the 28th of July, 1775, the following passage appears: "Blessed with an indissoluble Union, with a variety of internal resources, and with a firm reliance on the justice of the Supreme Disposer of all human events, we have no doubt of rising superior to all the machinations of evil and abandoned ministers. We already anticipate the golden period, when liberty, with all the gentle arts of peace and humanity, shall establish mild dominion in this western world, and erect eternal monuments to the memory of those virtuous patriots and martyrs who shall have fought, and bled, and suffered in her cause."—*Journals of Congress.*

XV.

Congress in 1775.

In Congress, December 4, 1775, it was "Resolved that, in the present situation of affairs, it will be very dangerous to the liberties and welfare of America, if any colony should separately petition the King or either house of Parliament."—*Journals of Congress.*

XVI.

Congress in 1775

On the 6th of December, 1775, Congress prepared and agreed to a Proclamation, in which the following passage appears : “ We, therefore, in the name of the People of these United Colonies, and by authority, according to the purest maxims of representations derived from them, declare, that whatever punishment shall be inflicted upon any person in the power of our enemies, for favoring, aiding, or abetting the cause of American liberty, shall be retaliated in the same kind and in the same degree, upon those in our power, who have favored, aided, or abetted, or shall favor, aid, or abet, the system of ministerial oppression.”—*Journals of Congress.*

XVII.

Congress in 1775.

In Congress, December 29, 1775, it was “ Resolved, That the Colonies of Virginia, Maryland, and North Carolina, be permitted to export produce from their respective colonies to any part of the world, except Great Britain, Ireland, the islands of Jersey, Guernsey, Sark, Alderney and Man, and the British West India Islands ; and in turn to import so much salt from any part of the world, not prohibited by the Association, as the conventions or councils of safety of the two former colonies, and the provincial council of the other, shall judge necessary for the use of the inhabitants thereof, now suffering great distress by the scarcity of that necessary article, proper caution being taken to prevent any abuse of this indulgence, by exceeding in the quantities exported or imported, and that no provisions, slaves, or naval stores be exported, if other commodities may answer the purpose.”—*Journals of Congress.*

XVIII.

Pennsylvania Journal in 1775.

The writer of an article published in the *Pennsylvania Journal*, of April 24, 1775, said: "Can this Continent be happy under the government of Great Britain, or not? Secondly, Can she be happy under a government of our own? * * * The answer to the second question—can America be happy under a government of her own, is short and simple, viz. : As happy as she pleases; she has a blank sheet to write upon. Put it not off too long."

XIX.

Sermon in 1775.

On the 23d of June, 1775, at the "request of the officers of the Third Battalion of the City of Philadelphia and district of Southwark," a sermon was preached in Christ Church, by William Smith, D.D., who said: "As we know that our civil and religious rights are linked together in one indissoluble bond, we neither have, nor seek to have, any interest separate from that of our country, nor can we advise a desertion of its cause. Religion and liberty must flourish or fall together in America. We pray that both may be perpetual."—*Principles and Acts of the Revolution*, p. 220.

XX.

Boston Gazette, 1775.

In 1775, the author of a "History of the Dispute with America, from its origin in 1754" (published in the *Boston Gazette*), said: "The grand aphorism of the policy of the Whigs has been to *unite the people of America*, and divide those of Great Britain. The reverse of this has

been the maxim of the Tories, viz. : to unite the people of Great Britain, and *divide those of America*. All the movements, marches, and counter-marches of both parties, on both sides of the Atlantic, may be reduced to one or the other of these rules. I have shown that the people of America are united more perfectly than the most sanguine Whig could ever have hoped, or than the most timid Tory could have feared.”—*Remembrancer, for 1775*, published in London, Vol. I, p. 13.

XXI.

Provincial Congress, at Watertown, Mass., in 1775.

It seems that, in 1775, the idea of American Independence was not in the minds of many of the people of the United Colonies. In the Provincial Congress, at Watertown, Massachusetts, on the 26th of April, 1775, an “Address to the inhabitants of Great Britain” was adopted. It contained the following passage : “They” [the British Ministry] “have not yet detached us from our Royal Sovereign ; we profess to be his loyal and dutiful subjects ; and, so hardly dealt with as we have been, are still ready, with our lives and fortunes, to defend his person, family, crown, and dignity ; nevertheless, to the persecution and tyranny of his cruel Ministry, we will not tamely submit.”—*Remembrancer*, Vol. I, p. 71.

XXII.

Thomas Jefferson, in 1775.

In a letter dated “Monticello, August 25, 1775,” Thomas Jefferson said, he “would rather be in dependence on Great Britain, properly limited, than on any other nation upon the earth, or than on no nation. But,” he continued, “I am one of those too, who, rather than

submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean.”—*Jefferson's Complete Works*, Vol. I, p. 201.

XXIII.

James Wilson, of Pennsylvania, on the Declaration of Independence.

James Wilson, in a letter addressed “to the citizens of Pennsylvania,” said: “When the measure” [the Declaration of American Independence] “began to be an object of contemplation in Congress, the Delegates of Pennsylvania were expressly restricted from consenting to it. My uniform language in Congress was, that I never would vote for it, contrary to my instructions. I went further, and declared that I never would vote for it, without your authority.” * * * “When your authority was communicated by the conference of Committees from the several counties of the State, I then stood upon very different grounds: I declared so in Congress. I spoke and voted for the measure.” * * * “Some who would not accede to the Declaration of Independence when it was made, have *ever since* shone in the number of its most determined and most illustrious supporters.”—*Pennsylvania Journal*, Oct. 18, 1780.

XXIV.

Examination of Joseph Galloway, in 1779.

Extracts from “The Examination of Joseph Galloway, Esq., late Speaker of the House of Assembly of Pennsylvania, before the House of Commons, in a Committee on the American Papers”—Mr. Montagu in the chair—June 16, 1779:

“Question.—How long have you lived in America ?

Answer.—I have lived in America from my nativity to the month of October last, about forty-eight years. * * *

Question.—At the beginning of the present rebellion, when the inhabitants took up arms, had the people, in general, independence in view ?

Answer.—I do not believe, from the best knowledge I have of the state of America at that time, that one-fifth of the people had independence in view. * * *

Question.—That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of the natives of America, or were the greatest part of them English, Scotch and Irish ?

Answer.—The names and places of their nativity being taken down, I can answer the question with precision. There were scarcely one-fourth natives of America—about one-half Irish—the other fourth were English and Scotch.”

XXV.

Germans in 1775.

A letter dated “Philadelphia, June 20, 1775,” says :
“It is amazing to see the spirit of the Germans among us. Thousands of them have served as soldiers in their own country. They speak with infinite pleasure of sacrificing their lives and property for the preservation of liberty, which they know full well how to value from its deprivation by despotic princes.”—*London “Remembrancer” for 1775*, p. 144.

CHAPTER VI.

I.

Congress of 1776.

On the 15th of May, 1776, the Continental Congress adopted a Preamble, which contains the following passage: "And, whereas, it appears absolutely irreconcilable to good reason and conscience, for the people of these Colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the authority of the people of the Colonies, for the preservation of internal peace, virtue, and good order, as well as for the defense of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies, Therefore—

"Resolved, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people,

best conduce to the happiness and safety of their constituents, in particular, and America in general.”—*Journals of Congress*.

II.

Delegates in Congress from Virginia instructed to propose Declaration of Independence.

On the 15th of May, 1776, the members of the Virginia Convention instructed the Delegates in Congress from Virginia “to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to or dependence upon the Crown or Parliament of Great Britain.” The Virginia Delegates in Congress were also instructed to favor a confederation of the Colonies, “provided that the power of forming government for, and the regulation of the internal concerns of each Colony, be left to the respective Colonial legislatures.”—*Jefferson’s Complete Works*, Vol. I, p. 12.—*Diary of the Amer. Rev.*, Vol. I, p. 242.

III.

Virginia Bill of Rights, 1776.

On the 12th of June, 1776, nearly one month before the Declaration of American Independence was proclaimed by the Continental Congress, the representatives of the people of Virginia, in Convention assembled, passed a Bill of Rights, in which the following declarations appear:—

1st.—“That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring

and possessing property, and pursuing and obtaining happiness and safety.”

2d.—“That all power is vested in, and consequently derived from, the people.”

3d.—“That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community.”—*Code of Va.*, 1849, p. 32.

IV.

Declaration of Independence, 1776.

On the 4th of July, 1776, in the Continental Congress, the representatives of the United States of America, “in the name and by the authority of the good people of these Colonies,” proclaimed the independence of the United States of America. The first paragraph of the Declaration of Independence contains an intimation of the unity and nationality of the people in behalf of whom the Declaration was made—viz.: “When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station* to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

V.

Congress of 1776.

On the 4th of July, 1776, after the Declaration of Independence was engrossed and signed, Congress resolved

* Not stations.

that the Declaration “be proclaimed in each of the United States, and at the head of the Army.”—*Journals of Congress*.

VI.

New York Convention in 1776.

In Convention of the Representatives of the State of New York, at White Plains, July 9, 1776, it was “*Resolved unanimously*, That the Delegates of this State, in the Continental Congress, be, and they are hereby, authorized to concert and adopt all such measures as they may deem conducive to the happiness and welfare of the United States of America.”—*Journals of Cong.*, Vol. I, p. 410.

VII.

Congress of 1776.

In Congress, July 9, 1776, it was resolved, “That the Delegates of Virginia be empowered to write to the several County Committees in that State where they think it most proper and probable for the men to be raised, requesting the said Committees to recommend officers for the appointment of Congress, to fill up Colonel Stevenson’s regiment; the officers so recommended to have power immediately to enlist their men, and commissions to be sent to them as soon as possible.” * * * —*Journals of Cong.*

VIII.

Congress of 1776.

In Congress, on the 11th of July, 1776, it was resolved that “Congress will observe the same rule of conduct towards New Jersey as towards other Colonies.”—*Journals of Congress*.

IX.

Congress of 1776.

In Congress, July 11, 1776, it was resolved, "that it be notified to the Convention of Virginia, that the Congress are willing to take into Continental possession, the forts at the mouths of Wheeling and the great Kanhaway, and the fort at Pittsburg, now in possession of that Colony, and also to receive on the Continental Establishment, the garrisons in these forts, if the said Convention shall desire it."—*Journals of Congress.*

X.

Congress of 1776.

In Congress, on the 19th of July, 1776, it was resolved that a copy of certain circular letters, and a declaration from Lord Howe, "be published in the several gazettes, that the good people of these United States may be informed of what nature are the commissioners, and what the terms, with expectation of which, the insidious Court of Great Britain has endeavored to amuse and disarm them, and that the few, who still remain suspended by a hope founded either in the justice or moderation of their late king, may now, at length, be convinced, that the valor alone of their country is to save its liberties."—*Journals of Congress.*

XI.

John Hancock, President of Congress, 1776.

In a letter signed by John Hancock, President of Congress, dated Philadelphia, September 24, 1776, and addressed to the assemblies of the several States, the

following passage appears: "If we do but remain firm, if we are not dismayed at the little shocks of fortune, and are determined at all hazards that we will be free, I am persuaded, under the gracious smiles of Providence, assisted by our own most strenuous endeavors, we shall finally succeed agreeably to our wishes, and thereby establish the independence, the happiness, and the glory of the United States of America."—*American Archives*, fifth series, Vol. II, p. 490.

XII.

Congress of 1776.

In Congress, September 16, 1776, it was resolved, "That 88 Battalions be enlisted as soon as possible, to serve during the present war, and that each State furnish their respective quotas in the following proportions, viz. :

	<i>Battalions.</i>		<i>Battalions.</i>
New Hampshire,	- - 3	Delaware,	- - - - 1
Massachusetts,	- - - 15	Maryland,	- - - - 8
Rhode Island,	- - - 2	Virginia,	- - - - 15
Connecticut,	- - - 8	North Carolina,	- - 9
New York,	- - - - 4	South Carolina,	- - 6
New Jersey	- - - - 4	Georgia,	- - - - 1
Pennsylvania,	- - - 12		

American Archives, fifth series, Vol. II, p. 1341.

XIII.

Population of the Union in 1775.

The population of the United American Colonies in 1775, was estimated, by members of the Continental Congress, as follows :

	<i>Inhabitants.</i>
New Hampshire, - - - - -	100,000
Massachusetts, - - - - -	150,000
Rhode Island, - - - - -	58,000
Connecticut, - - - - -	200,000
New York, - - - - -	200,000
New Jersey, - - - - -	130,000
Pennsylvania, - - - - -	300,000
Delaware, - - - - -	30,000
Maryland, - - - - -	250,000
Virginia, - - - - -	400,000
North Carolina, - - - - -	200,000
South Carolina, - - - - -	200,000
Georgia, - - - - -	30,000

“Georgia,” says Mr. Jefferson, “had not joined the revolutionary Colonies when the estimate was made; but the population of that Colony, in 1776, was about 30,000. This estimate of the population of the United American Colonies amounted aggregately to two millions four hundred and forty-eight thousand persons of every condition.” *—*Jefferson’s Complete Works*, Vol. IX, pp. 272, 273.

XIV.

Instructions to Commissioners in 1776.

On the 23d of October, 1776, Benjamin Franklin, Silas Deane, and Arthur Lee, were appointed Commissioners to negotiate a treaty between France and the United States. The commission which was issued to these negotiators, by Congress, contains the following passage: “A trade upon equal terms, between the subjects of his most Christian majesty the King of France and the people of these States, will be beneficial to both Nations.”

* According to another estimate, the population, in July, 1775, amounted to 3,000,000.—*Vide Spark’s Dip. Cor. of Rev.*, Vol. VI, p. 235.

XV.

Congress of 1776.

In Congress, September 9, 1776, it was "Resolved, that in all Continental Commissions, and other instruments, where, heretofore, the words 'United Colonies' have been used, the style be altered, for the future, to the 'United States.'"—*Journals of Congress.*

XVI.

Pennsylvania Evening Post of 1776.

An article published in the *Universal Intelligencer and Pennsylvania Evening Post*, of October 8, 1776, said: "Let us remember that America is free and independent; that she is, and will be, with the blessing of the Almighty, great among the Nations of the earth."—*Diary of Amer. Rev.*, Vol. I, p. 284.

XVII.

Congress of 1776.

An Address of Congress to the People, adopted at Philadelphia, December 10, 1776, says: "It is well known to you, that at the universal desire of the people, and with the hearty approbation of every province, the Congress declared the United States free and independent, —a measure not only just, but which had become absolutely necessary."—*Amer. Archives*, fifth series, Vol. III, p. 1150.

CHAPTER VII.

I.

Committee appointed to prepare Form o Confederation.

ON the 12th of June, 1776, the Continental Congress appointed a Committee, consisting of one member from each Colony, to “prepare and digest the form of a confederation to be entered into between the Colonies.” The Committee agreed as to the terms of the Confederation, and made a report to Congress on the 12th of July, one month after their appointment. Their report was considered amended, and postponed from time to time, until Articles of Confederation were agreed to on the 15th of November, 1777; engrossed, and signed by delegates in Congress, from eight States, on the 9th of July, 1778; and went into effect on the 1st of March, 1781. The Constitution of the United States went into force on Wednesday, March 4, 1789.

II.

Views of Mr. Wilson, of Pennsylvania, on Confederation, in 1776.

In Congress, in 1776, when the Articles of Confederation were under consideration, Mr. Wilson, of Pennsylvania, who was one of the signers of the Declaration of Independence, and, in 1787, a member of the Convention that framed the Constitution of the United States, said:

“It has been said that Congress is a representation of States, not of individuals. I say, that the objects of its care, are all the individuals of the States. It is strange that annexing the name of ‘State’ to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason.” * * * “It is asked, Shall nine colonies put it into the power of four to govern them as they please? I invert the question, and ask, Shall two millions of people put it into the power of one million to govern them as they please? It is pretended, too, that the smaller colonies will be in danger from the greater. Speak in honest language and say, the minority will be in danger from the majority. And is there an assembly on earth, where this danger may not be equally pretended.” * * * “I defy the wit of man to invent a possible case, or to suggest any one thing on earth, which shall be for the interest of Virginia, Pennsylvania, and Massachusetts, and which will not also be for the interest of the other States.”—*Jefferson’s Complete Works*, Vol. I, p. 35.

III.

John Adams, in 1777.

In a debate, in Congress, on the Articles of Confederation, in July, 1777, John Adams said: “We stand here as the representatives of the people; that in some States the people are many, in others they are few; that, therefore, their vote here should be proportioned to the numbers from whom it comes.”—*Elliot’s Debates*, Vol. I, p. 76.

IV.

Congress of 1777.

In a circular letter, agreed to in Congress, November, 17, 1777, the Articles of Confederation are mentioned as

“a plan of confederacy for securing the freedom, sovereignty, and independence of the United States ;” and, referring to the ratification of the Articles, the letter says, “it seems essential to our very existence as a free people.”—*Journals of Congress.*

V.

Congress of 1778.

An “Address of Congress to the inhabitants of the United States of America,” May 8, 1778, says: “Your interests will be fostered and nourished by governments that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favor.”—*Journals of Congress.*

VI.

Treaty of 1778.

The treaty of amity and commerce concluded between France and the United States, in 1778, mentions “the two parties,” “the two contracting parties,” “the two Nations,”—meaning, in each case, the United States and France.

VII.

Treaty of 1778.

The 2d Article of the “Treaty of alliance eventual and defensive,” negotiated at Paris on the 6th of February, 1778, is in the words following, viz. : “Art. 2.—The essential and direct end of the present defensive alliance, is, to maintain effectually, the liberty, sovereignty, absolute and unlimited, of the United States, as well in matters of government as commerce.”

VIII.

Maryland Gazette of 1778.

“An Address to the Americans,” published in the *Maryland Gazette*, and reprinted in the *Remembrancer* for the year 1778, says: “Every circumstance favorable to mankind, concurs to facilitate the independence, the splendor, and the felicity of the American Nation.”—*Rememb. for 1778*, p. 339.

IX.

New York Journal of 1778.

The *New York Journal*, of August 24, 1778, says: “It is the Almighty who raiseth up: He hath stationed America among the powers of the earth, and clothed her in robes of sovereignty.”

X.

New Jersey Gazette of 1779.

Toast, at Philadelphia, February 6, 1779, on the anniversary of forming the alliance between the United States and France: “The memory of the patriots who have nobly fallen in defense of the liberty and independence of America.”—*New Jersey Gazette*, Feb. 17, 1779.

XI.

France in 1780.

A “Declaration of the King” of France, in 1780, says: “His Majesty, in order to give the United States of America a new proof of his affection, as well as his desire to confirm the union and good correspondence established between the two States, has been pleased to pay a regard

to their representations.”—*Journals of Congress*, July 11, 1780.

XII.

Anthony Wayne, and other Officers, in 1780.

The General and Field Officers, Captains and Subalterns, of the American Army in Philadelphia, on the 5th of April, 1780, adopted the following Resolution, which was signed by Anthony Wayne, and others: “Resolved, That we will not associate, or hold communication, with any person, or persons, who have exhibited by their conduct an enemical disposition, or even lukewarmness, to the independence of America.”—*Remembrancer*, Vol. X, p. 60.

XIII.

Congress of 1781.

A proclamation agreed to in Congress, March 20, 1781, refers to the connection between the United States and France, as “a mutual and lasting benefit to both nations.”—*Journals of Congress*.

XIV.

John Adams, in 1781.

“The people who at this time compose the United States of America,” is a phrase that appears in a Memorial, dated April 19, 1781, and written by John Adams, Agent for the American Congress.—*Remembrancer*, Vol. XI, p. 350.

XV.

Pennsylvania Journal of 1782.

An Address to the People of America, published in the *Pennsylvania Journal*, of April 3, 1782, says: “Gov-

ernment and the People do not, in America, constitute distinct bodies. They are one, and their interest is the same. Members of Congress, members of Assembly or Council, or by any other name they may be called, are only a selected part of the people. They are the representatives of majesty, but not majesty itself. That dignity exists inherently in the universal multitude; and though it may be delegated, cannot be alienated."

XVI.

House of Delegates of Virginia, in 1782.

On the 24th of May, 1782, the House of Delegates of Virginia passed the following resolution: "Resolved, unanimously, that a proposition from the enemy for treating with any assembly or body of men in America, other than the Congress of these United States, is insidious and inadmissible."

XVII.

Congress of 1783.

In a Convention, ratified by Congress, on the 23d of January, 1783, the United Netherlands and the United States of America are called "the two Nations."—*Journals of Congress.*

XVIII.

Secretary of Foreign Affairs, in 1783.

On the 12th of April, 1783, Robert R. Livingston, Secretary of Foreign Affairs, in a letter addressed to the Governor of Virginia, said: "A national character is now to be acquired. I venture to hope that it will be worthy of the struggles by which we became a Nation."

XIX.

Congress of 1783.

Extract from an "Address to the States, by the United States in Congress assembled," agreed to in Congress, April 24, 1783: "No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society."—*Journals of Congress.*

XX.

Treaty of 1783.

The Treaty of Amity and Commerce which was concluded between Sweden and the United States of America, on the 3d of April, 1783, mentions "the two parties," "the two contracting parties," and "both nations"—meaning Sweden and the United States.—*Folwell's Laws of the United States*, Vol. II, p. 248.

XXI.

Treaty of 1785.

The Treaty of Amity and Commerce which was negotiated between the United States of America and Prussia, on the 10th of September, 1785, mentions "both parties," and "the two contracting parties," meaning, in each case, the United States and Prussia.

XXII.

Lord Sheffield, in 1783.

In a pamphlet written by Lord Sheffield, a member of the British Parliament, the writer said : "It will be a long time before the American States can be brought to act as a Nation ; neither are they to be feared as such by us."—*Pennsylvania Journal*, Dec. 20, 1783.

XXIII.

Views of the Sardinian Minister, in 1783.

Extract of a letter from John Adams to Robert R. Livingston, dated "The Hague, July 31, 1783,"—giving an account of the views of Count Montagnini de Mirabel, the Minister Plenipotentiary from the King of Sardinia : "The Count said his advice to Congress would be to write a Circular letter to every power in Europe, as soon as the definitive treaty should be signed, and transmit with it a printed copy of the Treaty. In the letter, Congress should announce that on the 4th of July, 1776, the United States had declared themselves a sovereign State, under the style and title of the United States of America ; that France, on the 6th of February, 1778, had acknowledged them ; that the States-General had done the same, on the 19th of April, 1782 ; that Great Britain, on the 30th of November, 1782, had signed with them a treaty of peace, in which she had fully acknowledged their sovereignty ; that Sweden had entered into a treaty with them, on the 5th of February, 1783 ; and that Great Britain had concluded the definitive treaty, under the mediation of the two empires, if that should be the fact, &c."—*Sparks' Dip. Cor. of Rev.*, Vol. VI, p. 122.

XXIV.

Congress of 1783.

Extract from a "Proclamation by the United States in Congress assembled," October 18, 1783: "And whereas, by the blessing of Divine Providence on our cause and our arms, the glorious period is arrived when our national independence and sovereignty are established, and we enjoy the prospect of a permanent and honorable peace."—*Journals of Congress.*

XXV.

Oration in 1783.

Extract from an Oration by Dr. Thomas Welsh, delivered at Boston, March 5, 1783: "America, separated from the nations of Europe by a mighty ocean, and from Britain by the mightier hand of heaven, is acknowledged an independent nation: she has now to maintain her dignity and importance among the kingdoms of the earth."—*Principles and Acts of the Revolution*, p. 58.

XXVI.

Washington, in 1783.

In Congress, December 23, 1783, on resigning the office of Commander-in-Chief, Washington said: "Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task; which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven."—*Journals of Congress.*

XXVII.

Dr. Witherspoon.

Dr. John Witherspoon, who was a signer of the Declaration of Independence, and who, as a Delegate in Congress from the State of New Jersey, signed the Articles of Confederation, said : "The Congress is, properly speaking, the representative of the great body of the people of North America."—*Witherspoon's Works*, Vol. IX, p. 73.

XXVIII.

Pennsylvania Journal of 1783.

Extract from an article which was published in the *Pennsylvania Journal*, of April 19, 1783 : "Our citizenship in the United States is our national character. Our citizenship in any particular State is only our local distinction. By the latter we are known at home ; by the former, to the world. Our great title is *Americans* ; our inferior one varies with the place."

XXIX.

Washington, in 1783.

In a letter dated December 2, 1783, and addressed to the "Members of the Volunteer Association, and other inhabitants of the Kingdom of Ireland, who have lately arrived in the city of New York," George Washington said : "The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions ; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct, they appear to merit the enjoyment."—*London "Remembrancer" for 1784*, p. 194.

CHAPTER VIII.

I.

Proclamation by Congress, 1784.

ON the ratification of the Treaty of Peace between the United States of America and Great Britain, the "United States in Congress assembled" issued a Proclamation, from which the following extract is copied: "We have thought proper, by these presents, to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive, and judiciary, all persons bearing office, civil or military, of whatever rank, degree and powers, and all others the good citizens of these States, of every vocation and condition, that reverencing those stipulations entered into on their behalf, under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surest guide, within their several offices, jurisdictions and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly and completely." "Given under the seal of the United States. Witness his excellency Thomas Mifflin, our President, at Annapolis, this 14th day of January, in the year of our Lord 1784, and of the sovereignty and independence of the United States of America the eighth."—*Journals of Congress.*

II.

Thomas Jefferson, in 1785.

In a letter dated "Paris, June, 1785," and addressed to Col. [James] Monroe, of Virginia, Thomas Jefferson said: "I am very differently affected toward the new plan of opening our Land Office, by dividing the lands among the States, and selling them at vendue. It separates still more the interests of the States, which ought to be made joint in every possible instance, in order to cultivate the idea of our being one nation, and to multiply the instances in which the people shall look up to Congress as their head."—*Jefferson's Complete Works*, Vol. I, p. 347.

III.

Congress of 1785.

In Congress, January 27, 1785, it was ordered that "the oath of fidelity" to be taken by the Secretary of War, his assistants and clerks, should be in the words following: "I, A. B., appointed to the office of ———, do acknowledge that I owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain, and defend the said United States in their freedom, sovereignty, and independence, against all opposition whatsoever."—*Journals of Congress*.

IV.

Thomas Jefferson, in 1786.

In a letter from Thomas Jefferson to John Adams, under date of "Paris, 27 August, 1786," Mr. Jefferson says: "M. de Meusnier" [author of an *Encyclopædia*] "was introduced to me by the Duc de la Rochefoucauld. He asked of me information on the subject of our States,

and left with me a number of queries to answer. Knowing the importance of setting to rights a book so universally diffused, and which will go down to late ages, I answered his queries as fully as I was able, went into a great many calculations for him, and offered to give further information where necessary.”—*Works of John Adams*, Vol. VIII, p. 413. In a written answer to some of M. de Meusnier’s questions, Mr. Jefferson said: “The ninth Article of Confederation, section six, evidently establishes three orders of questions in Congress. First, The greater ones, which relate to making peace or war, alliances, coinage, requisitions for money, raising military force, or appointing its Commander-in-Chief. Secondly, The lesser ones, which comprehend all other matters submitted by the confederation to the federal head. Thirdly, The single question of adjourning from day to day. This gradation of questions is distinctly characterized by the Article. In proportion to the magnitude of these questions, a greater concurrence of the voices composing the Union was thought necessary. Three degrees of concurrence, well distinguished by substantial circumstances, offered themselves to notice. First—*A concurrence of a majority of the people of the Union*. It was thought that this would be insured by requiring the voices of nine States; because, according to the loose estimates which had been made of the inhabitants, and the proportion of them which were free, *it was believed that even the nine smallest would include a majority of the free citizens of the Union*. The voices, therefore, of nine States were required in the greater questions.”*—*Jefferson’s Complete Works*, Vol. IX, p. 244.

* June 23, 1778, the Delegates in Congress from Massachusetts moved, on behalf of their State, that the sixth section of the ninth Article of Confederation “be re-considered so far as it makes the assent of nine States necessary to exercise the powers with which Congress” was “thereby invested.”—The motion failed.—*Journals of Congress*.

V.

General Assembly of Virginia, in 1786.

At a session of the General Assembly of the State of Virginia, which commenced on the 16th of October, 1786, an Act was passed for appointing Delegates to a Convention proposed to be held in Philadelphia, in May, 1787, for the purpose of revising the Articles of Confederation. In the Preamble to the Act the following passage appears: "And, whereas, the General Assembly of this Commonwealth, taking into view the actual situation of the Confederacy, as well as reflecting on the alarming representations made, from time to time, by the United States in Congress, particularly in their Act of the 15th of February last, can no longer doubt that *the crisis is arrived at which the good people of America* are to decide the solemn question, whether they will, by wise and magnanimous efforts, reap the just fruits of that independence which they have so gloriously acquired, and of that Union which they have cemented with so much of their common blood, or whether, by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valor it has been accomplished."

VI.

Congress of 1786.

On the 15th of February, 1786, Congress agreed to a Report which contains the following views: "The committee are of opinion, that it has become the duty of Congress to declare most explicitly, that the crisis has arrived, when *the people of these United States, by whose*

will, and for whose benefit the Federal Government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the Confederacy, they will hazard not only the existence of the Union, but of those great and invaluable privileges for which they have so arduously and so honorably contended.”—*Journals of Congress.*

VII.

Noah Webster, in 1786.

In articles which were published in the *Pennsylvania Journal* (of January 21, and February 1, 1786), Noah Webster, jr., said: “All power is vested in the people. That this is their natural and inalienable right, is a position that will not be disputed. The only question is how this power shall be exerted to effect the ends of government.” * * * “The idea of each State preserving its sovereignty and independence in their full latitude, and yet holding up the appearance of a Confederacy and a concert of measures, is a solecism in politics that will sooner or later dissolve the pretended Union, or work other mischiefs sufficient to bear conviction to every mind.” * * * “We ought to generalize our ideas and our measures. We ought not to consider ourselves as inhabitants of a particular State only, but as Americans; as the common subjects of a great empire.” * * * “As a member of a family, every individual has some domestic interests; as a member of a corporation he has other interests; as an inhabitant of a State he has a more extensive interest; as a citizen and subject of the American empire, he has a national interest far superior to all others.”

VIII.

In 1786, Thomas Jefferson said : "When any one State in the American Union refuses obedience to the Confederation by which they have bound themselves, the rest have a natural right to compel them to obedience. Congress would probably exercise long patience before they would recur to force ; but if the case ultimately required it, they would use that recurrence. Should the case ever arise, they will probably coerce by a naval force, as being more easy, less dangerous to liberty, and less likely to produce much bloodshed."—*Jefferson's Complete Works*, Vol. IX, pp. 291, 292.

IX.

Jefferson on the Confederation.

Thomas Jefferson said : "The fundamental defect of the Confederation was, that Congress was not authorized to act immediately on the people, by its own officers. Their power was only requisitory, and these requisitions were addressed to the several legislatures, to be by them carried into execution, without other coercion than the moral principle of duty."—*Jefferson's Complete Works*, Vol. I, p. 78.

X.

Congress of 1787.

On the 21st of March, 1787, Congress unanimously resolved, "That the Legislatures of the several States cannot of right pass any act or acts for interpreting, explaining, or construing a national treaty, or any part or clause thereof ; nor for restraining, limiting, or in any manner impeding, retarding, or counteracting the operation and execution of the same."—*Journals of Congress*.

CHAPTER IX.

I.*Congress of 1787.*

In Congress, on the 21st of February, 1787, it was “Resolved, That in the opinion of Congress, it is expedient, that on the second Monday in May next, a Convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the federal constitution adequate to the exigencies of government and the preservation of the Union.”—*Journals of Congress.*

II.

Convention of 1787.

In the Convention that met at Philadelphia on the 14th of May, 1787, to form a Constitution for the United States of America, there was a small number of Delegates who supported the theory of the sovereignty and independence of each State; and these Delegates wished to establish a federal government by the authority of the States in their sovereign capacity—that is, by compact,

or in the same manner as treaties and alliances are formed by independent nations. "It was urged," says Luther Martin, who was a Delegate in the Convention from the State of Maryland, "that instead of the [national] Legislature consisting of two branches, one was sufficient, whether examined by the dictates of reason, or the experience of ages: that the representatives, instead of being drawn from the people at large, as individuals, ought to be drawn from the States, as States, in their sovereign capacity; that, in a federal government, the parties to a compact are not the people, as individuals, but the States, as States."—*Luther Martin's Address to the Legislature of Maryland in 1788*.—*Elliot's Debates*, Vol. I, p. 345, &c.

III.

Convention of 1787.

On the 30th of May, 1787, the following Resolution was before the Convention: "Resolved, That a National Government ought to be established, consisting of a supreme judicial, legislative, and executive."

"The term 'Supreme,'" says Judge Yates, "required explanation. It was asked whether it was intended to annihilate State governments. It was answered, only so far as the powers intended to be granted to the new Government should clash with the States, when the latter were to yield." Of the eight States represented in the Convention on that day, six voted in favor of the Resolution.—*Judge Yates' Minutes*.—*Elliot's Debates*, Vol. I, p. 392.

IV.

Mr. Wilson, in Convention, 1787.

In Convention, June 25, 1787, Mr. Wilson, of Pennsylvania, said: "A citizen of America may be considered

in two points of view—as a citizen of the General Government, and as a citizen of the particular State in which he may reside. We ought to consider in what character he acts in forming a General Government. I am both a citizen of Pennsylvania and of the United States. I must, therefore, lay aside my State connections, and act for the general good of the whole. We must forget our local habits and attachments. The General Government should not depend on the State governments.”—*Elliot's Debates*, Vol. I, pp. 445, 446.

V.

Charles Pinckney, in 1787.

In Convention, June 25, 1787, Mr. Charles Pinckney, of South Carolina, said: “Our Government must be made suitable to the people; and we are, perhaps, the only people in the world who ever had sense enough to appoint delegates to establish a General Government. I believe that the proposition from Virginia, with some amendments, will satisfy the people. But a General Government must not be dependent on the State Governments.”—*Elliot's Debates*, Vol. I, p. 444.

VI.

James Madison, in 1787.

In Convention, June 29, 1787, James Madison said: “Some contend that States are sovereign, when in fact they are only political societies. There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The States never possessed the essential rights of sovereignty. These were always vested in Congress. Their voting, as States, in Congress, is no evidence of sovereignty. The State of Maryland voted

by counties. Did this make the counties sovereign? The States, at present, are only great corporations, having the power of making by-laws, and these are effectual only if they are not contradictory to the general Confederation. The States ought to be placed under the control of the General Government—at least as much so as they formerly were under the King and British Parliament. The arguments, I observe, have taken a different turn, and I hope may tend to convince all of the necessity of a strong, energetic government, which would equally tend to give energy to and protect the State governments.”—*Elliot's Debates*, Vol. I, p. 461.

VII.

Alexander Hamilton, in 1787.

In Convention, June 29, 1787, Alexander Hamilton said: “The question, after all, is, Is it our interest, in modifying this General Government, to sacrifice individual rights to the preservation of the rights of an artificial being called States? There can be no truer principle than this—that every individual of the community at large has an equal right to the protection of government. If, therefore, three States contain a majority of the inhabitants of America, ought they to be governed by a minority?”—*Elliot's Debates*, Vol. I, p. 463.

VIII.

George Washington, President of the Convention of 1787.

Extract from a Communication, prepared in the Convention that formed the Constitution of the United States, dated September 17, 1787: “In all our deliberations on this subject, we kept steadily in our view, that which appears to us as the greatest interest of every true American, the

consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our situation rendered indispensable.”—Signed by “George Washington, President.”—“By unanimous order of the Convention,” and addressed to “His Excellency the President of Congress.”—*Elliot's Debates*, Vol. I, p. 305.—*Hickey's Constitution*, p. 188.

IX.

Opinion of Luther Martin, in 1788.

Luther Martin, Attorney-General of the State of Maryland, and for a time a distinguished Delegate in the Convention that formed the Constitution of the United States, said, in 1788: “It” [the Constitution] “is, in its very introduction, declared to be a compact between the people of the United States as individuals; and it is to be ratified by the people at large, in their capacity as individuals.”—*Elliot's Debates*, Vol. I, p. 360.

X.

Views of Dr. Benjamin Rush, in 1787.

In 1787, Benjamin Rush, who was one of the signers of the Declaration of American Independence, said: “There are two errors or prejudices on the subject of government in America, which lead to the most dangerous consequences. It is often said, ‘that the sovereign and all other power is seated in the people.’ This idea is un-

happily expressed. It should be—‘all power is derived from the people.’” * * * “The people of America have mistaken the meaning of the word sovereignty ; hence each State pretends to be *sovereign*. In Europe it is applied only to those States which possess the power of making war and peace—of forming treaties, and the like. As this power belongs only to Congress, they are the only *sovereign* power in the United States.” * * * “We commit a similar mistake in our ideas of the word independent. No individual State, as such, has any claim to independence. She is independent only in a union with her sister States in Congress.”—*Acts and Principles of the Revolution*, p. 403.

XI.

Opinion at Philadelphia, in 1788.

At Philadelphia, July 4, 1788, at a great celebration of the anniversary of the Declaration of Independence, on “Union Green,” where about seventeen thousand persons were assembled, the first regular toast was in these words : “The People of the United States.”—*Haz. Register*, Vol. I, p. 424.

XII.

James Madison, in 1788.

“In December, 1788, James Madison said, that it was the object of those who opposed the adoption of the Constitution, “to bring about another general Convention, which would either agree on nothing, as would be agreeable to some, and throw every thing into confusion, or expunge from the Constitution parts which are held by its friends to be essential to it.”—*Madison's Writings*, Vol. I, p. 445.

XIII.

John Marshall, in 1788.

In the Virginia Convention on the adoption of the Constitution, June 10, 1788, John Marshall said: "We are told that many in the States were violently opposed to it" [the Constitution]. "They are more mindful of local interests. They will never propose such amendments as they think would be obtained. Disunion will be their object."—*Debates in Va. Conven.*, p. 165.

XIV.

Mr. Corbin, of Virginia, in 1788.

On the 14th of June, 1788, in the Virginia Convention on the adoption of the Constitution of the United States, Mr. Corbin said: "The gentleman had told us that nothing could be more humiliating than that the State governments could not control the General Government. He thought the gentleman might as well have complained that one county could not control the State at large."—*Elliot's Debates*, Vol. III, p. 417.

XV.

Mr. Wilson, of Pennsylvania, in 1788.

In the Pennsylvania Convention on the adoption of the Constitution, in 1788, Mr. Wilson said: "State sovereignty, as it is called, is far from being able to support its weight."—*Elliot's Debates*, Vol. II, p. 457.

XVI.

Mr. Innis, of Virginia, in 1788.

In the Virginia Convention, June 25, 1788, Mr. Innis said: "I consider Congress as ourselves, as our fellow-

citizens, and no more different from us than our Delegates in the Legislature. I consider them all as having a fellow-feeling for us, and that they will never forget that this Government is that of the people.”—*Elliot's Debates*, Vol. III, p. 637.

XVII.

Mr. Lowndes, of South Carolina, in 1788.

In the South Carolina Convention on the adoption of the Constitution, January 17, 1788, Mr. Rawlins Lowndes said: “The treaty of peace expressly agreed to acknowledge us as free, sovereign, and independent States, which privileges we lived at present in the exercise of. But this new Constitution at once swept those privileges away; being sovereign over all; so that this State would dwindle into a mere skeleton of what it was.”—*Elliot's Debates*, Vol. IV, p. 287.

Charles Cotesworth Pinckney, of South Carolina, in 1788.

In the South Carolina Convention, January 18, 1788, in answer to Mr. Lowndes, Charles Cotesworth Pinckney said: “The gentleman had mentioned the treaty of peace in a manner as if our independence had been granted us by the King of Great Britain. But that was not the case. We were independent before the treaty, which does not in fact grant, but acknowledges our independence. We ought to date that invaluable blessing from a much older charter than the treaty of peace—from a charter which our babes should be taught to lisp in their cradles. * * * I mean the Declaration of Independence made in Congress the 4th of July, 1776. This admirable manifesto, which, for importance of matter, and elegance of composition, stands unrivalled, sufficiently confutes the honorable gentleman's doctrine of the individual sovereignty and inde-

pendence of the several States. In that Declaration the several States are not even enumerated ; but after reciting, in nervous language, and with convincing arguments, our right to independence and the tyranny which compelled us to assert it, the Declaration is made in the following words : ‘ We, therefore, the representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States.’ The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed the Declaration ; the several States are not even mentioned by name in any part of it—as if it was intended to impress this maxim on America, that our freedom and independence arose from our Union, and that without it we could neither be free nor independent. Let us, then, consider all attempts to weaken this Union, by maintaining that each State is separately and individually independent, as a species of political heresy, which can never benefit us, but may bring on us the most serious distresses.”—*Elliot's Debates*, Vol. IV, p. 301.

General Charles Cotesworth Pinckney was a soldier of the Revolutionary War ; an aide-de-camp to General Washington, at Brandywine and Germantown ; and a member of the Convention that formed the Constitution of the United States.

XVIII.

George Bancroft.

George Bancroft, the historian, says : “ The inefficiency of the Confederate Government having been proved by experience in war and in peace, the United States proceeded

to the greatest achievement in the civil history of man, the formation of a more perfect Union, by the deliberate act and choice of the people.”—*Bancroft's Introduction to Hunt's Life of Livingston*, p. xiv.

XIX.

Governor Randolph, of Virginia, in 1788.

When the adoption of the Constitution of the United States was under consideration in the Virginia Convention, June 9, 1788, Governor Randolph, one of the Delegates, said: “When I had the honor of being deputed to the Federal Convention to revise the existing system, I was impressed with the necessity of a more energetic government, and thoroughly persuaded that the salvation of the people of America depended on an intimate and firm union.”—*Debates in Va. Conven.*, p. 140.

XX.

Henry Lee, of Virginia, in 1788.

In the Virginia Convention, June 9, 1788, Henry Lee, of Westmoreland county, said: “The people of America, sir, are one people. I love the people of the north, not because they have adopted the Constitution, but because I fought with them as my countrymen, and because I consider them as such.” * * * “In all local matters I shall be a Virginian: in those of a general nature, I shall not forget that I am an American.”—*Debates in Va. Conven.*, p. 134.

CHAPTER X.

I.

Mr. Page, of Virginia, in 1789.

On the 15th of August, 1789, at the first session of the first Congress under the authority of the new Constitution, Mr. Page, a member of the House of Representatives, from Virginia, said: "All power vests in the people of the United States. It is, therefore, a government of the people—a Democracy. If it were consistent with the peace and tranquillity of the inhabitants, every freeman would have a right to come and give his vote on the law; but inasmuch as this cannot be done, by reason of the extent of the territory, and some other causes, the people have agreed that their representatives shall exercise a part of their authority."—*Annals of Congress*.

II.

James Madison, in 1789.

In Congress, on the 18th of August, 1789, Mr. Madison, of Virginia, said: "It was impossible to confine government to the exercise of express powers; there must necessarily be admitted powers by implication unless the Constitution descended to recount every minutia. He remembered the word 'expressly' had been moved in

the Convention in Virginia, by the opponents of the ratification, and, after full and fair discussion, was given up by them, and the system allowed to retain its present form.”—*Annals of Congress*.

III.

Congress in 1789.

In Congress, on the 21st of August, 1789, the House proceeded to the consideration of certain amendments to the Constitution, reported by the Committee of the whole. Mr. Gerry proposed to amend the ninth proposition by inserting the word “*expressly*,” so as to read “the powers not expressly delegated by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.” As he thought this amendment of great importance, he requested that the Yeas and Nays might be taken. He was supported in his request by one-fifth of the members present: whereupon the yeas and nays were taken, and were as follows:

Yeas—Messrs. Burke, of South Carolina; Coles, of Virginia; Floyd, of New York; Gerry, of Massachusetts; Hathorn, of New York; Grout, of Massachusetts; Jackson, of Georgia; Livermore, of New Hampshire; Page, of Virginia; Parker, of Virginia; Partridge, of Massachusetts; Van Rensselaer, of New York; Smith, of South Carolina; Stone, of Maryland; Sumter, of South Carolina; Thatcher, of Massachusetts; and Tucker, of South Carolina.—17 Yeas.

Nays—Messrs. Ames, of Massachusetts; Benson, of New York; Boudinot, of New Jersey; Brown, of Virginia; Cadwallader, of New Jersey; Carroll, of Maryland; Clymer, of Pennsylvania; Foster, of New Hampshire; Gale, of Maryland; Fitzsimmons, of Pennsylvania; Gilman, of New Hampshire; Goodhue, of Massachusetts; Hartley, of Pennsylvania; Heister, of Pennsylvania;

Lawrence, of New York; Lee, of Virginia; Madison, of Virginia; Moore, of Virginia; Muhlenburg, of Pennsylvania; Schureman, of New Jersey; Scott, of Pennsylvania; Sedgwick, of Massachusetts; Seney, of Maryland; Sherman, of Connecticut; Sylvester, of New York; Sinickson, of New Jersey; Smith, of Maryland; Sturges, of Connecticut; Trumbull, of Connecticut; Vining, of Delaware; Wadsworth, of Connecticut; and Wynkoop, of Pennsylvania.—32 Nays.

IV.

Erroneous Use of the Word "Expressly."

It is not possible to find grounds on which to raise a presumption of an intentional misrepresentation on the part of the eminent public characters who, on many different occasions, have confidently asserted that the Congress of the United States is restricted to the exercise of powers *expressly* granted by the Constitution of the United States; but the inexcusable carelessness of these political instructors of a large number of the people of the nation, is a matter which may be regarded with mingled feelings of great astonishment and profound regret.

V.

Views of Chief Justice Jay, in 1793.

In 1793, Chief Justice Jay, of the Supreme Court of the United States, said: "The Revolution, or rather the Declaration of Independence, found the people *already* united for general purposes, and at the same time providing for their more domestic concerns, by State Conventions, and other temporary arrangements. From the Crown of Great Britain the sovereignty of their country passed to the people of it." * * * "At the Revolution,

the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are *sovereigns without subjects* (unless the *African* slaves among us may be so called), and have none to govern but *themselves*; the citizens of *America* are equal as fellow-citizens, and as joint-tenants in the sovereignty.”—*Dallas’ Reports*, Vol. II, pp. 470, 471, 472.

VI.

Views of Justice Paterson, in 1795.

Justice Paterson, of the Supreme Court of the United States, in 1795, said: “The truth is, that the States individually, were not known or recognized as sovereign by foreign nations, nor are they now; the States collectively, under Congress as their connecting point, or head, were acknowledged by foreign powers as sovereign, particularly in that acceptance of the term which is applicable to all great national concerns, and in the exercise of which other sovereigns would be more immediately interested; such, for instance, as the rights of war and peace, of making treaties, and sending and receiving ambassadors.”—*Dallas’ Reports*, Vol. III, p. 81.

VII.

Washington’s Farewell Address.

In Washington’s Farewell Address “to the People of the United States,” the following passages appear: “The free Constitution which is the work of your hands.”—“The unity of government which constitutes you one people.”—“The name of American which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations.”—“Community of interests

as one nation.”—“To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts, can be an adequate substitute.”

VIII.

John Adams, in 1799.

On the 23d of December, 1799, John Adams, President of the United States, in referring to the death of Washington, said: “Among all our original associates in that memorable league of the Continent in 1774, which first expressed the sovereign will of a free nation in America, he was the only one remaining in the general government.”—*Journals U. S. Senate.*

IX.

Chief Justice Marshall, in 1819.

In the case of *McCulloch vs. State of Maryland*, decided by the Supreme Court of the United States, in 1819, Chief Justice Marshall, in delivering the opinion of the Court, said: “The government of the Union, then (whatever may be the influence of this fact on the case), is, emphatically and truly, a government of the people. In form and in substance it emanated from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.”—*Wheaton's Reports*, Vol. IV, p. 405.

X.

Andrew Jackson, in 1832.

In a Proclamation issued by Andrew Jackson, President of the United States, on the 10th of December, 1832, concerning the Nullification movements in South Carolina,

the following views are published:—"It" [the Government of the United States] "is a Government in which all the people are represented, which operates directly on the people individually, not upon the States." * * * "The unity of our political character (as has been shown for another purpose), commenced with its very existence. Under the royal government we had no separate character. Our opposition to its oppressions began as United Colonies. We were the United States under the Confederation, and the name was perpetuated, and the Union rendered more perfect, by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation."

XI.

Opinions of Joseph Story.

Judge Story, in his *Commentaries on the Constitution of the United States*, says: "The declaration of the independence of all the Colonies was the united act of all. It was "a Declaration by the Representatives of the United States of America in Congress assembled," "by the Delegates appointed by the good people of the Colonies," as in a prior declaration they were called. It was not an act done by the State governments then organized; nor by persons chosen by them. It was emphatically the act of the whole *people* of the United Colonies, by the instrumentality of their representatives, chosen for that among other purposes. It was an act not competent to the State governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case, nor provided for it. It was an act of original, inherent sovereignty, by the people themselves, resulting from their right to change the form of government, and to institute a new government whenever necessary for their safety and

happiness. So the Declaration of Independence treats it.”
—*Story's Com.*, B. II, p. 211.—*Elliot's Debates*, Vol. I,
p. 63.

XII.

Views of Daniel Webster.

Daniel Webster said : “It is, sir, the people’s Constitution, the people’s Government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law.” * * * “We are all agents of the same supreme power, the people. The General Government and the State governments derive their authority from the same source.” * * * “The national Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves.” —*Works of Daniel Webster*, Vol. III, pp. 321, 322.

XIII.

John C. Calhoun.

* * * “If by the people be meant the people collectively, and not the people of the several States taken separately ; and if it be true, indeed, that the Constitution is the work of the American people collectively ; if it originated with them, and derives its authority from their will, then there is an end of the argument. The right claimed for a State of defending her reserved powers against the General Government, would be an absurdity.”—*Calhoun's Works*, Vol. VI, p. 146.

XIV.

William H. Seward.

In the Senate of the United States, on the 11th of March, 1850, William H. Seward said: "The United States are a political State, or organized society, whose end is government, for the security, welfare, and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere spoils of conquest. Contrary to a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be, not in the States, but in the People, but also promulgates the objects of the Constitution."
 * * * "I know only one country and one sovereign—the United States of America and the American People."

XV.

John Quincy Adams.

"John Quincy Adams said: "The Declaration of Independence was a social compact, by which the whole people covenanted with each citizen of the United Colonies, and each citizen with the whole people, that the United Colonies were, and of right ought to be, free and independent States."—*Oration of J. Q. Adams.*

XVI.

Views of Chief Justice Chase.

Mr. Chief Justice Chase, in delivering an opinion of the Supreme Court of the United States, at the December Term of 1868, said: "The poverty of language often compels the employment of terms in quite different significations; and of this hardly any example more signal is to be found than in the use of the word [State] we are

now considering.” * * * “In the Constitution the term State most frequently expresses the combined idea just noticed, of people, territory, and government. A State, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is the union of such States, under a common Constitution, which forms the distinct and greater political unit which that Constitution designates as the United States, and makes of the people and States which compose it one people and one country.”—*Wallace's Reports*, Vol. VII, pp. 720, 721.

XVII.

James Madison.

James Madison opposed the views of certain parties who, “with a boldness truly astonishing, do say, that the Constitution of the United States, which, as such, and under that name, was presented to and accepted by those who ratified it; which has been so deemed and so called by those living under it for nearly half a century; and, as such, sworn to by every officer, State as well as federal, is yet no Constitution, but a treaty, or league, or, at most, a confederacy among nations, as independent and sovereign in relation to each other as before the charter which calls itself a Constitution was formed.”—*Selections from the Private Correspondence of James Madison*, p. 405.

XVIII.

James Madison.

In a letter addressed to Daniel Webster, on the 15th of March, 1833, James Madison said: “It is fortunate when

disputed theories can be decided by undisputed facts. And here the undisputed fact is, that the Constitution was made by the people, but as imbodyed into the several States who were parties to it, and, therefore, made by the States in their highest authoritative capacity.”—*Selections from the Private Correspondence of James Madison*, p. 299. * * * “A fundamental error lies in supposing the State governments to be the parties to the constitutional compact from which the government of the United States results.”—*Ib.*, p. 118.

XIX.

Supreme Court of the United States.

In the case of *Martin vs. Hunter's Lessee*, decided in 1816, the Supreme Court of the United States said: “The Constitution of the United States was ordained and established, not by the States in their sovereign capacities, but emphatically, as the preamble of the Constitution declares, by ‘the people of the United States.’”—*Wheaton's Reports*, Vol. I, p. 324.

CHAPTER XI.

I.

Kent's Commentaries.

KENT says : "The association of the American people into one body politic, took place while they were Colonies of the British Empire, and owed allegiance to the British crown." * * * "The Delegates to the Congress of 1774 met, with authority and direction to 'consult together for the common welfare.'" * * * "The Delegates to the Congresses of 1774 and 1775 were chosen 'partly by the popular branch of the Colonial Legislatures when in session, but principally by Conventions of the people in the several Colonies.'"—*Kent's Comm.*, Vol. I, pp. 212, 213, 218.

II.

Phrases used by Congress before the Declaration of Independence.

The acts and proceedings of the Continental Congresses, before the 4th of July, 1776, contain the following phrases in reference to the origin of the "Union" which still exists, viz. : "The union of these Colonies."—"The consolidated powers of North America."—"Our Con-

federation.”—“Our joint exertions.”—“The united efforts of North America.”—“The people of America.”—“Citizens of America.”—“Rights of Americans.”—“United by the indissoluble bands of affection and interest.”—“Our union is perfect.”—“These United Colonies,” &c.

III.

Declaration of Independence did not form Thirteen Separate Sovereign States.

The Declaration of Independence did not dissolve the Union; nor did it form *thirteen separate “new sovereignties,”* which “*took their places in the family of independent nations.*” On the 4th of July, 1776, the first Resolution adopted by Congress, after the Declaration was signed by the members, was in the words following, viz.: “Resolved, That copies of the Declaration be sent to the several assemblies, conventions and committees, or councils of safety, and to the several commanding officers of the Continental troops; that it be proclaimed in each of the United States, and at the head of the Army.” On the same day, after the adoption of the foregoing Resolution, it was “Resolved, That Dr. Franklin, Mr. J. Adams, and Mr. Jefferson, be a committee to prepare a device for a seal for the United States of America.”—*Journals of Congress.*

IV.

The Union.

A resolution agreed to in Congress, February 15, 1786, refers to engagements entered into “for the common benefit of the Union.” On the 21st of February, 1787, the Congress of the Confederation adopted a resolution relating to “the preservation of the Union.” The Constitution of

the United States was ordained and established "in order to form a more perfect Union," &c. The Constitution declares that representatives and direct taxes shall be apportioned among the States of "this Union."—That the President shall give to the Congress "information of the state of the Union."—That new States may be admitted "into this Union."—And that "the United States shall guarantee to every State in this Union a Republican form of Government."

V.

The Union.

In a speech that was delivered in the Senate of the United States, on the 6th of February, 1868, by Charles D. Drake, who is, at the present time, the Chief Justice of the United States Court of Claims, the following passages appear: "The Union dates not from the Constitution, nor from the Articles of Confederation, nor from the Declaration of Independence, but ante-dates them all. Its birthday was the 5th of September, 1774—a day yet to be fitly commemorated, I hope, by this nation—when was assembled that noble band of patriots which constituted the grand old Continental Congress. They were the representatives, not of the chartered organizations known as the Colonies, but of the people thereof, receiving their appointments from the popular or representative branch of the Colonial Legislatures, or from Conventions of the people of the Colonies, and styling themselves in their more formal acts 'the delegates appointed by the good people of these Colonies.' In them the people of the Colonies were together, and their acts were the acts of the people, before any State had an existence. From the day they came together till this hour, the American people, first as Colonists and British subjects, and then as American citizens, have been a united people.

“On the 4th of July, 1776, they formally declared that they were ‘one people,’ and their representatives, claiming to act and acting ‘in the name and by the authority of the good people of these Colonies,’ put forth that Declaration of Independence which announced a new birth into the family of nations. Though the Union had existed for nearly two years, here was the point at which the nation stepped into the arena of the world. It could not, while in a condition of Colonial dependence, call itself a nation ; but when it renounced dependence and proclaimed itself free and independent, then it entered on its career of nationality, assuming the responsibilities, acknowledging the obligations, wielding the powers, and accepting the destiny, for weal or for woe, of a nation.”

VI.

Of Thirteen Sovereign States or Nations.

After taking into consideration the historical facts which appear in the preceding chapters, and the true meaning of the words “*sovereign and independent*,” it is not possible to believe that the patriots who, “in the name and by the authority of the good people” of thirteen British Colonies, proclaimed the Declaration of Independence, intended, by that act, to dissolve the Union and to establish thirteen separate sovereign and independent States, or nations—each, in the words of the Declaration, having “full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do.”

It is impossible to believe that the Revolutionary patriots of Delaware, which State, in 1776, contained about thirty thousand inhabitants, intended at that time to separate themselves from the Union, and to take their station, as a sovereign and independent State, among the nations of the earth.

VII.

Of the Evidence contained in the Preceding Notes.

The weighty and definite evidence which has been collected from a great number of authorities, and cited in these Notes, seems to prove, conclusively, 1st, that the Government of the United States of America did not originate in any alliance, confederation, or compact, formed by separate sovereign and independent States; and, 2dly, that all political theories which are founded only on a presumption of the original sovereignty and independence of each of the thirteen revolutionary States of the Union, are errors, which, if they cannot be corrected, may continue to be the sources of unfriendly and bitter controversies among the people of the United States in relation to the Constitutional powers of their own National Government, and to the nature and limitations of State Rights.

CHAPTER XII.



I.

James Madison, in 1830.

IN a letter addressed to Daniel Webster, on the 27th of May, 1830, James Madison said: "The actual system of Government for the United States is so unexampled in its origin, so complex in its structure, and so peculiar in some of its features, that, in describing it, the political vocabulary does not furnish terms sufficiently distinctive and appropriate, without a detailed resort to the facts of the case."—*Madison's Writings*, Vol. IV, p. 85.

In view of the opinion which was expressed by John Adams,* who was one of the most distinguished patriots among those who laid the foundations of the Government of the United States, it is probable that some of the complex and peculiar difficulties to which Mr. Madison refers, in his letter to Mr. Webster, can never be wholly removed by the force of any conclusive evidence that can be drawn from "a detailed resort to the facts of the case."

II.

What the foregoing Evidence seems to Prove.

When the people of the United American Colonies undertook, in a state of revolution, "to alter or to

* *Vide* Chap. I, Note 2.

abolish" a form of government under which they were deprived of many of their political rights and privileges, the views and intentions of the revolutionists respecting the precise nature of such new government, were neither matured, harmonious, nor definite. Nevertheless, the historical evidence which has been submitted to the consideration of the reader of these Notes, seems to prove—

First. That the *sovereignty of the People of the United States* was acknowledged by the Declaration of Independence, which declares that "governments are instituted among men, deriving their just powers from the consent of the governed;" and, "that, whenever any form of government becomes destructive" of certain unalienable rights, "it is the right of *the people* to alter or to abolish it, and to institute *a new government*, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Secondly. That the truth of the theory of the *nationality, unity, and sovereignty of the People of the United States* was acknowledged by Congressional acts and proceedings, before the Articles of Confederation went into force—while those Articles were in force—and was confirmed by an explicit declaration inserted in the Preamble to the Constitution of the United States.

Thirdly. That only the sovereign power of a nation is, primarily, vested with authority to grant political powers and to concede political rights to subordinate political organizations, existing within the limits of its territorial jurisdiction.

Fourthly. That all grants of political power which have been made to the National Government of the United States of America, have been made by the authority of the sovereign power of the nation.

Fifthly. That, after the Declaration of Independence, and before the Articles of Confederation went into force,

the people of each of the States of the Union, in subordination to the sovereign authority of the people of the United States, were authorized to exercise all the local and municipal rights, privileges, and franchises which they claimed under their several charters, or constitutions: And, that all the "sovereignty,* freedom, and independence, and every power, jurisdiction, and right," retained by each State, according to the 2d Article of Confederation, were so retained by the sovereign authority of the nation.

Sixthly. That, in the Constitution of the United States, the prohibitions which are applicable to the National Government, as well as those which are applicable to the several State governments, are recorded expressions of the will of the sovereign power of the nation.

Seventhly. That, by the authority of the sovereign power of the nation, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

III.

Congress not Restricted to the Exercise of Powers "Expressly" Granted by the Constitution.

The work of forming the Government of the United States of America was not finished by the promulgation of the Declaration of Independence and the adoption of a National Constitution. Those memorable productions contain strongly marked outlines of a grand design. They are bold and clear sketches of a new and beneficent form of popular government. But, the question of forming specific rules for the administration of the new Government, involved problems which baffled even the wisdom and patriotism of the guardians of the infancy of

* *Vide* Chap. II, Note 5.—Chap. III, Note 7.

the nation. It was, indeed, impossible for the framers of the Constitution of the United States to set forth, in that great charter, specific instructions and exact restrictions, for the guidance of the People's Agent, the National Government, in its dealings with the various known and unknown difficulties and dangers which the new nation would be forced to meet and overcome, in its progress toward a condition of freedom, strength and prosperity. It was impossible to name, define, and fix, expressly, with unquestionable certainty, the nature and the limits of the different powers which it was necessary and proper to delegate, on behalf of the People of the United States, first to the National Government, and secondly to the several State governments, in order to enable these authorities to "form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to the people of the nation. "It would have been," said Chief Justice Marshall, "an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur."—*Wheaton's Reports*, Vol. IV, p. 415.

IV.

Specific Powers and General Powers Granted to Congress.—State Rights.

In ordaining and establishing their National Constitution, the People of the United States delegated specific powers and general powers to their National Government, and they reserved to the several State governments many powers which are called State Rights, and which include the exclusive right to regulate and control those internal municipal affairs which concern only a State directly and

immediately. But, neither the General Government, nor any State government, is vested with a right to do any act that will destroy, or weaken, the influence of those general principles which are clearly stated in the first paragraph of the Constitution.

V.

Of National Authority and State Authority.

In a case reported in *5th Wheaton* (p. 49, and Appendix, p. 162), the Supreme Court of the United States says that the powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited to the States, or there is a direct repugnancy or incompatibility in the exercise of it by the State. But in cases of concurrent authority, where the laws of the States and of the Union are in direct and manifest collision on the same subject, those of the Union being the supreme law of the land, are of paramount authority, and the State laws, so far, and so far only, as such incompatibility exists, must necessarily yield.

VI.

State Rights.

The rights of the several States of the Union remained, after the adoption of the Constitution of the United States, what they were before, except so far as they had been abridged by that instrument.—*Kent's Comm.*, Vol. I, p. 435 ; *4th Wheaton*, p. 193. The phrase "State Rights" is in harmony with the Constitution, which grants, or reserves, to the States, severally, certain rights which are specifically mentioned, and other rights, by fair and

necessary implication. But, for the protection of the rights and liberties of the citizens, individually, and to insure for each State in the Union, a republican form of government, the powers of the States, severally, and the powers of the Congress of the United States, are limited by the prohibitions which are now clearly set forth in the national Constitution, and by those which, by fair implication, it contains. For example—

Constitutional Prohibitions.

No State shall form a Constitution, or make laws, which shall be in conflict with the Constitution of the United States, or with the laws of the United States which shall be made in pursuance thereof.

No State shall enter into any Treaty, Alliance, or Confederation.

No State shall grant Letters of Marque and Reprisal.

No State shall coin Money.

No State shall emit Bills of Credit.

No State shall make any thing but gold and silver coin a Tender in Payment of Debts.

No State shall pass any Bill of Attainder.

No State shall pass any *ex post facto* Law.

No State shall pass any Law impairing the Obligation of Contracts.

No State shall grant any Title of Nobility.

No State shall, without the consent of Congress, lay any Duty on Tonnage.

No State shall, without the consent of Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws.

No State shall, without the consent of Congress, keep Troops, or Ships of War, in time of Peace.

No State shall, without the consent of Congress, enter

into any Agreement or Compact with another State, or with a Foreign Power.

No State shall, without the consent of Congress, engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

No State shall deprive any person of Life, Liberty, or Property, without due process of law.

No State shall deny to any person within its jurisdiction the Equal Protection of the Laws.

No State shall assume or pay any Debt or Obligation incurred in aid of Insurrection or Rebellion against the United States, or any claim for the Loss or Emancipation of any Slave.

The Constitution of the United States contains the following specific prohibitions, viz. :

The Taxes, Duties, Imposts, and Excises, levied by Congress, shall not be otherwise than uniform throughout the United States.

Congress shall not pass Naturalization laws, nor laws on the subject of Bankruptcy, unless such laws shall be uniform throughout the United States.

No appropriation of money, by Congress, to raise and support Armies, shall be for a longer term than two years.

The States, severally, shall not be deprived of the right of appointing officers of such of their Militia as may be engaged in the service of the United States.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public safety may require it.

No bill of Attainder or *ex post facto* Law shall be passed.

No Capitation or other direct Tax shall be laid, unless in proportion to the Census. * * *

No tax or duty shall be laid on Articles exported from any State.

No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another : nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury [of the United States] but in consequence of appropriations made by Law.

No title of Nobility shall be granted by the United States.

No person holding any Office of Profit or Trust under the United States, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State.

No Senator or Representative, or person holding an Office of Trust or Profit under the United States, shall be appointed an Elector of President and Vice-President of the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

The compensation of the President of the United States shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The President shall not grant pardons or reprieves for offences against the United States, in cases of Impeachment.

The compensation of the Judges, both of the Supreme and inferior Courts of the United States, shall not be diminished during their continuance in office.

The trial of all Crimes, except in cases of Impeachment, shall be by Jury.

No person shall be convicted of Treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

No Attainder of Treason shall work corruption of Blood or Forfeiture, except during the life of the person attainted.

No new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

Nothing in the Constitution of the United States shall be so construed as to prejudice any claims of the United States, or of any particular State.

No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

No person shall be Representative in Congress who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

No person shall be a Senator in Congress who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

In trials of Impeachment, by the Senate of the United States, no person shall be convicted without the concurrence of two-thirds of the members present.

Judgments in cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States : but the party convicted shall

nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Senators and Representatives, for any speech or debate in either House of Congress, shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Congress shall make no law respecting an establishment of Religion ;

Congress shall make no law prohibiting the free exercise of Religion ;

Congress shall make no law abridging the freedom of Speech or of the Press ;

Congress shall make no law abridging the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or

affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war, or public danger.

No person, for the same offence, shall be subject to be twice put in jeopardy of life or limb.

No person shall be compelled in any criminal case to be a witness against himself.

No person shall be deprived of life, liberty, or property, without due process of law.

No private property shall be taken for public use, without just compensation.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Excessive bail shall not be required ;

Excessive fines shall not be imposed ;

Cruel and unusual punishments shall not be inflicted.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any Foreign State.

The [Presidential] Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves.

No person constitutionally ineligible to the office of

President, shall be eligible to that of Vice-President of the United States.

Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Certain persons who have engaged in insurrection or rebellion against the United States, or have given aid or comfort to the enemies thereof, shall be ineligible to any office, civil or military, under the United States, or under any State. But Congress may, by a vote of two-thirds of each House, remove such disability.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

Neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations, and claims, shall be held illegal and void.

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

CHAPTER XIII.

I.

Prohibitions to Prevent the Exercise of Arbitrary Power.

THE specific Prohibitions which appear in the Constitution of the United States were placed in it to prevent the exercise of arbitrary power, either by the authority of the General Government, or by that of any State government, over the freedom of religious worship, the freedom of speech, the freedom of the Press, or over any of those constitutional rights of life, liberty, and property, to which every citizen of the nation has a just claim. "Constitutions are made to restrain Governments. Laws are made to restrain Persons."

II.

Patriotism of the Defenders of the Nation.

The great civil war of modern times having resulted, not only in the failure of a very powerful effort to dissolve the Union, but in the destruction of that system of human slavery which was introduced into the English Colonies in America by the policy of the British government, the friends of "Liberty and Union," in all future times, ought to remember with gratitude the patriotism, courage, and sufferings of the soldiers and the statesmen who carried

the Nation triumphantly through the sanguinary conflict that it was forced to maintain in defense of the freedom, sovereignty, and unity of the people of the United States.

III.

Restoration of Harmony among the Citizens of the Union.

The Government of the United States has passed through the period of danger from the hostility of external enemies ; and, henceforth, the People, from whom it derives its strength, look for a wise, beneficent, and constitutional exercise of its great powers. In pursuing a wise policy, it will, by the use of all proper means, promote, between the steady friends of the Union and those who *were* its enemies, that kind of reconciliation which will be favorable to the public welfare, and to a restoration of friendly and fraternal personal intercourse among the citizens of the United States.

CHAPTER XIV.



I.

Growth of the Region West of the Alleghany Mountains.

THE most remarkable results which have been produced by the influence of the general principles of the Government of the United States of America, appear in those numerous and wonderful changes and improvements which have been made, since the year 1776, within the boundaries of the national territory westward of the Alleghany mountains. History does not contain another example of a national growth so marvellous in a period so brief. The strength and the patriotism of the people of this vast region were triumphantly manifested in the great war for the preservation of the Union.

II.

Western Pioneers.

The *names* of the early settlers of the regions lying westward of the Alleghany mountains show that those settlers were emigrants, directly or remotely, from England, Ireland, Scotland, Germany, Holland, and France. Different, in some respects, from any of these, and different

from each other, were the emigrants from the New England States, of which Massachusetts was the type, and the emigrants from the Southern States, of which Virginia was the type.

Each of the different races of Western Pioneers could remember with pleasure many bright pages in the history of the nation, or State, from which they emigrated ; and each race knew, perhaps, that there were, imprinted in its history, dark pages enough to restrain a disposition to indulge in arrogant claims of superiority over other races. It is probable that the people of every Christian nation would, if they could, blot out from the pages of History, and from the memory of mankind, the records and the recollections of their national crimes, and leave, for the admiration of the world, only the memorials of the Christian virtues of their ancestors, and of their triumphs in the works of science, industry, and peace.

The people who emigrated from old nations, or States, to establish new communities in a vast wilderness, carried with them, not only their religious creeds, their political opinions, their various manners and customs, and their knowledge of the sciences and of the industrial arts, but also the popular superstitions, the old plays, the old stories and traditions, and the old songs and ballads of the nations or States from which they emigrated. Consequently, legends, and stories, and songs, and old ballads concerning Robin Hood, and Fairies, and Hobgoblins, and Ghosts, and Banshees, and Wolterkens, and Witches, were brought from France, and Germany, and Ireland, and Scotland, and old England, and New England, to be repeated at every pioneer settlement on the western side of the Alleghany mountains ; and mingled with Indian traditions relating to the existence of spirits, good and evil, in rocks, caves, lakes, mountains, and springs.

III.

Commingling of Diverse Races.

A writer in the *North British Review* says: "Remarkable as are many of the phenomena presented to us in the New World, the most remarkable, as it seems to us, is the extraordinary commingling of diverse races which is being accomplished on its soil. Navigation has now so bridged the ocean, that from every country in Europe settlers have reached the American shores; and Railways have so facilitated locomotion by land, and so quickened the movements of social life, that these diverse peoples from Europe are shaken together and amalgamated in the New World, till the original distinctions disappear, and a new national type is formed."

IV.

Immigrants.

In a late special Report of the Bureau of Statistics, of the Treasury Department, it is stated that seven million five hundred and fifty-three thousand eight hundred and sixty-five "alien passengers arrived in the United States during the fifty-one years ended December 31, 1870." Of this number of persons,

- 2,700,495 emigrated from Ireland.
- 2,267,500 emigrated from Germany.
- 516,192 emigrated from England.
- 245,812 emigrated from France.
- 153,928 emigrated from Sweden and Norway.
- 109,502 emigrated from China.
- 84,623 emigrated from Scotland.
- 61,572 emigrated from Switzerland.
- 31,118 emigrated from Holland.
- 23,998 emigrated from Italy.

23,425 emigrated from Denmark.
23,214 emigrated from Spain.
17,278 emigrated from Belgium.
12,435 emigrated from Wales.

V.

Forming a New Nation.

Some theoretical statesmen say that there are irremovable antipathies existing between people of different races, or nations; and that, "in order that a *government* may be successful with one race, it must be suited to its peculiar character; and, when suited to this character it is unsuitable to all others which differ from it."

It is certainly true that hard and uncharitable conflicts of opinion cannot be avoided in the progress of the work of forming a new and powerful nation, by the intermingling of peoples differing from each other "in language, in character, in their religious sentiments, in their moral and intellectual powers, and in their geographical distribution." Nevertheless, throughout the United States of America, the *names* of counties, townships, cities, villages, creeks, post-offices, mountains, and valleys—the *names* of the officers and soldiers of our Army and Navy—the *names* of the statesmen, legislators, and jurists of the Union—and the *names* of distinguished men in the various religious organizations in the country—all exhibit interesting proof of the gradual commingling of peoples of many different nations, or races, under the Government of the United States.

VI.

The Strong Supports of a Great Nation.

A great Nation, however, cannot, even under the Government of the United States, be established on solid

and lasting foundations, merely by the political intermingling of peoples of different races. It must, constantly, be supported and made strong by those active moral forces which flow from public virtue, popular education, and Christian principles. In Syria, different races of men have lived under almost all forms of government—patriarchal, monarchic, aristocratic, and despotic—and, for many years, the inhabitants sinned and suffered in that miserable state of unrestrained liberty in which “*every man did that which was right in his own eyes.*” * Jews, Assyrians, Persians, Greeks, Romans, Arabs, and Turks, intermingling in some degree, have successively exercised dominion over Syria, for more than two thousand years. Damascus, the oldest city in the world, is still standing on the beautiful plain where it stood when Eliezur, the steward of Abraham, dwelt in it. The name of *Christian* was first used at Antioch; yet, owing to the perpetuation of popular errors, and the repetition of national vices and crimes, from generation to generation, for so many centuries, a very large majority of the people of Syria, without Christian civilization, are still suffering under the grievous burdens of poverty, ignorance, and despotism.

Nations, not less than individuals, ought to remember their Creator in the days of their youth. “If they obey and serve Him, they shall spend their days in prosperity, and their years in pleasures; but if they obey not, they shall perish by the sword, and they shall die without knowledge. * * * When He giveth quietness, who then can make trouble? And when He hideth his face, who then can behold Him? whether it be done against a Nation, or against a man only.”

* Judges xvii, 6.

DECLARATION OF INDEPENDENCE.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members :

JOHN HANCOCK.

New Hampshire.

Josiah Bartlett,
William Whipple,
Matthew Thornton.

Rhode Island.

Stephen Hopkins,
William Ellery.

Connecticut.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

New York.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

New Jersey.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

Pennsylvania.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

Massachusetts Bay.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

Delaware.

Cæsar Rodney,
George Read,
Thomas M'Kean.

Maryland.

Samuel Chase,
William Paca,
Thomas Stone,

Charles Carroll, of Carrollton.

Virginia.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jun.,
Francis Lightfoot Lee,
Carter Braxton.

North Carolina.

William Hooper,
Joseph Hewes,
John Penn.

South Carolina.

Edward Rutledge,
Thomas Heyward, jun.,
Thomas Lynch, jun.,
Arthur Middleton.

Georgia.

Button Gwinnett,
Lyman Hall,
George Walton.

ARTICLES OF CONFEDERATION.

To all to whom these presents shall come, we the undersigned delegates of the States affixed to our names, send greeting.—Whereas the Delegates of the United States of America in Congress assembled did on the 15th day of November in the Year of our Lord 1777, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode-land and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the words following, viz :

“ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW-HAMPSHIRE, MASSACHUSETTS-BAY, RHODE-ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, AND GEORGIA.

ARTICLE I. The Stile of this confederacy shall be “The United States of America.”

ARTICLE II. Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the United States, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any Court, or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the United States in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the United States, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in congress assembled, shall from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

ARTICLE IX. The United States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what cap-

tures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:” provided also that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing or regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing thro’ the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated “A Committee of the States,” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills

on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in congress assembled: But if the United States in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in congress assembled.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the United States assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every state shall abide by the determinations of the United States in congress assembled, on all questions which by this confederation is submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely

ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the 9th Day of July in the year of our Lord, 1778, and in the 3d year of the Independence of America.

Josiah Bartlett,	John Wentworth, jun.,	} On the part and behalf of the state of New Hampshire.
	August 8, 1778,	
John Hancock,	Francis Dana,	} On the part and behalf of the state of Massachusetts-Bay.
Samuel Adams,	James Lovell,	
Elbridge Gerry,	Samuel Holten,	} On the part and behalf of the state of Rhode-Island and Providence Plantations.
William Ellery,	John Collins,	
Henry Marchant,		} On the part and behalf of the state of Connecticut.
Roger Sherman,	Titus Hosmer,	
Samuel Huntington,	Andrew Adam,	} On the part and behalf of the state of New-York.
Oliver Wolcott,		
Jas. Duane,	William Duer,	} On the part and behalf of the state of New-Jersey, November 26th, 1778.
Fras. Lewis,	Gouv'r Morris,	
Jno. Witherspoon,	Nath'l Scudder,	} On the part and behalf of the state of Pennsylvania.
Robt. Morris,	William Clingen,	} On the part and behalf of the state of Delaware.
Daniel Roberdeau,	Joseph Reed,	
Jona. Bayard Smith,	23d July, 1778,	} On the part and behalf of the state of Maryland.
Tho. M'Kean, Feb. 12, 1779,	Nicholas Van Dyke,	
John Dickinson, May 5, 1779,		} On the part and behalf of the state of Virginia.
John Hanson,	Daniel Carroll,	
March 1st, 1871,	March 1st, 1871,	} On the part and behalf of the state of North-Carolina.
Richard Henry Lee,	Jno. Harvie,	
John Banister,	Francis Lightfoot Lee,	} On the part and behalf of the state of South-Carolina.
Thomas Adams,		
John Penn,	Corn's Harnett,	} On the part and behalf of the state of Georgia.
July 21st, 1778,	Jno. Williams,	
Henry Laurens,	Rich'd Hutson,	} On the part and behalf of the state of Georgia.
William Henry Drayton,	Thos. Heyward, jun.,	
Jno. Matthews,		} On the part and behalf of the state of Georgia.
Jno. Walton,	Edw'd Telfair,	
24th July, 1778,	Edw'd Langworthy,	

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented

to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

To borrow Money on the credit of the United States ;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

To establish Post Offices and post Roads ;

To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

To constitute Tribunals inferior to the supreme Court ;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

To provide and maintain a Navy ;

To make Rules for the Government and Regulation of the land and naval Forces ;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE II.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[* The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A Quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

* This clause within brackets has been superceded and annulled by the 12th amendment.

SECTION 2. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers: he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers, and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws pre-

scribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names,

GEO WASHINGTON—
Presidt and deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON,

NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,

RUFUS KING.

CONNECTICUT.

WM. SAM'L. JOHNSON,

ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WIL: LIVINGSTON,
WM. PATERSON,DAVID BREARLEY,
JONA. DAYTON.

PENNSYLVANIA.

B. FRANKLIN,
ROBT. MORRIS,
THO: FITZSIMONS,
JAMES WILSON,THOMAS MIFFLIN,
GEO: CLYMER,
JARED INGERSOLL,
GOUV: MORRIS.

DELAWARE.

GEO: READ,
JOHN DICKINSON,
JACO: BROOM.GUNNING BEDFORD, Jun'r,
RICHARD BASSETT,

MARYLAND.

JAMES M'HENRY,
DANL. CARROLL.

DAN: OF ST. THOS. JENIFER,

VIRGINIA.

JOHN BLAIR,

JAMES MADISON, Jr.

NORTH CAROLINA.

WM. BLOUNT,
HU. WILLIAMSON.

RICH'D DOBBS SPAIGHT,

SOUTH CAROLINA.

J. RUTLEDGE,
CHARLES PINCKNEY,CHARLES COTESWORTH PINCKNEY,
PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,

ABR. BALDWIN.

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES

IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.—A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.—No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

ARTICLE VII.—In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII.—The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves: they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—The person

having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—*Section 1.* Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—*Section 1.* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive or judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—*Section 1.* The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

